

## **Implementation of Senate Bill 120 Requirements (Effective October 1, 2004) (Relating to Conditional Release Sexual Offenders and Designated Public School Bus Stops)**

### **Changes to Section 947.1405 (7)(a)2 are underlined:**

(7)(a) Any inmate who is convicted of a crime committed on or after October 1, 1995, or who has been previously convicted of a crime committed on or after October 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is subject to conditional release supervision, shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

1. A mandatory curfew from 10 p.m. to 6 a.m. The commission may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the commission determines that imposing a curfew would endanger the victim, the commission may consider alternative sanctions.

2. If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, designated public school bus stop, or other place where children regularly congregate. A releasee who is subject to this subparagraph may not relocate to a residence that is within 1,000 feet of a public school bus stop. Beginning October 1, 2004, the commission or the department may not approve a residence that is located within 1,000 feet of a school, day care center, park, playground, designated school bus stop, or other place where children regularly congregate for any releasee who is subject to this subparagraph. On October 1, 2004, the department shall notify each affected school district of the location of the residence of a releasee 30 days prior to release and thereafter, if the releasee relocates to a new residence, shall notify any affected school district of the residence of the releasee within 30 days after relocation. If, on October 1, 2004, any public school bus stop is located within 1,000 feet of the existing residence of such releasee, the district school board shall relocate that school bus stop. Beginning October 1, 2004, a district school board may not establish or relocate a public school bus stop within 1,000 feet of the residence of a releasee who is subject to this subparagraph. The failure of the district school board to comply with this subparagraph shall not result in a violation of conditional release supervision.

### **Representatives from the Department of Education and the Department of Corrections have agreed to the following process in order to implement the requirements set forth in SB 120:**

- 1. Offender cannot relocate to residence within 1,000 feet of a public school bus stop.**
  - Department of Corrections staff will verify with the local school board district whether the proposed new residence is within 1,000 feet of a designated public school bus stop.
  - Verification will be requested via email to the local school board district contact person provided by the Department of Education.
  - The Department of Education will provide initial school board district contact persons and provide routine updates on contacts.
  - The School Board contact will respond to the Department of Corrections request within one (1) day, indicating whether the proposed residence is within 1,000 feet of a designated public school bus stop(s). If the School Board's measurement is close to 1,000 feet or for some reason this measurement cannot be provided (safety reasons), the School Board contact person will advise this information and provide the location of the school bus stop(s) to the Department of Corrections contact person for further investigation.
  - If necessary, the probation officer will make a field visit to determine if the residence is within 1,000 feet of the bus stop. The measuring wheel will be utilized if the distance is questionable or close. If the measurement is more than 1,000 feet, the residence will be approved.
  - The school board will be notified of the approved residence electronically when the residence is entered and verified.

- Once an offender moves from a residence to another approved residence, the school board district located in the original residence location will be notified that the offender has moved from the previous location. This notification will be sent electronically when the officer enters the “end date” on the previous residence address in the department’s database.
- 2. The Department of Corrections and Florida Parole Commission may not approve a residence that is located within 1,000 feet of a school, day care center, park, playground, designated public school bus stop, or other place where children regularly congregate for any releasee who is subject to subparagraph (7)(a).**
- As stated above, the Department of Corrections will report proposed residences to the appropriate school board district, and request whether the residence is located within 1,000 feet of a public school bus stop(s).
  - The School Board contact will advise the Department of Corrections if the residence is within 1,000 feet of a public school bus stop(s).
  - If the residence is within 1,000 feet of a school bus stop, the offender will be instructed to provide another residence plan. The new residence plan will be researched in the same manner until an approved residence is determined.
- 3. The Department of Corrections shall notify each affected school district of the location of the residence of a releasee 30 days prior to release...**
- The Department of Corrections Release Officer will obtain the inmate’s proposed residence plan 120 days prior to release. The release officer will forward the proposed release plan to the probation office to investigate. The probation officer will forward the email to the appropriate school board district to request whether the proposed residence is within 1,000 feet of a designated public school bus stop(s).
  - The School Board contact will respond to the probation officer’s request within one (1) day, indicating whether the proposed residence is within 1,000 feet of a designated public school bus stop(s). If the School Board’s measurement is close to 1,000 feet or for some reason this measurement cannot be provided (safety reasons), the School Board contact person will advise this information and provide the location of the school bus stop(s) to the Department of Corrections contact person for further investigation.
  - If necessary, the probation officer will make a field visit to determine if the residence is within 1,000 feet of the bus stop. The measuring wheel will be utilized if the distance is questionable or close. If the measurement is more than 1,000 feet, the residence will be approved.
  - If the offender’s residence is within 1,000 feet of a school bus stop, the offender will be instructed to provide another residence plan. The new residence plan will be researched in the same manner until an approved residence is determined.
  - The school board will be notified of the approved residence electronically when the residence is entered and verified.
- 4. The Department of Corrections shall notify each affected school district of the location of the new residence within 30 days after relocation if a releasee relocates to a new residence.**
- As stated above, once the residence information is entered in the Department of Corrections’ database, this notification and information will be electronically sent to the local school board district.
  - Department of Corrections procedures require that sex offenders residence verifications are made within two (2) working days. There are no problems anticipated with notifying the school board within the 30 days as required.

- 5. If, on October 1, 2004, any public school bus stop is located within 1,000 feet of the existing residence of such releasee, the district school board shall relocate that school bus stop.**
  - The Department of Corrections will provide a current list of conditional release offenders on supervision (that meet criteria of the bill) and the residence location on October 1, 2004.
  - The school board will research each address to ensure there are no school bus stops within 1,000 feet of each offender's residence.
  
- 6. Beginning October 1, 2004, a district school board may not establish or relocate a public school bus stop within 1,000 feet of the residence of a releasee who is subject to this subparagraph.**
  - School Board responsibility
  
- 7. The failure of the district school board to comply with this subparagraph shall not result in a violation of conditional release supervision.**
  - This will be communicated to officers.