

Bill No. CS for SB 1742

Amendment No. 5

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Fiscal Policy recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 16, line 31,

insert:

Section 6. Paragraph (b) of subsection (4) of section 944.275, Florida Statutes, is amended to read:

944.275 Gain-time.--

(4)

(b) For each month in which an inmate works diligently, participates in training, uses time constructively, or otherwise engages in positive activities, the department may grant incentive gain-time in accordance with this paragraph. The rate of incentive gain-time in effect on the date the inmate committed the offense which resulted in his or her incarceration shall be the inmate's rate of eligibility to earn incentive gain-time throughout the period of incarceration and shall not be altered by a subsequent change in the severity level of the offense for which the

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1 inmate was sentenced.

2           1. For sentences imposed for offenses committed prior  
3 to January 1, 1994, up to 20 days of incentive gain-time may  
4 be granted. If granted, such gain-time shall be credited and  
5 applied monthly.

6           2. For sentences imposed for offenses committed on or  
7 after January 1, 1994, and before October 1, 1995:

8           a. For offenses ranked in offense severity levels 1  
9 through 7, under s. 921.0012 or s. 921.0013, up to 25 days of  
10 incentive gain-time may be granted. If granted, such  
11 gain-time shall be credited and applied monthly.

12           b. For offenses ranked in offense severity levels 8,  
13 9, and 10, under s. 921.0012 or s. 921.0013, up to 20 days of  
14 incentive gain-time may be granted. If granted, such  
15 gain-time shall be credited and applied monthly.

16           3. For sentences imposed for offenses committed on or  
17 after October 1, 1995, the department may grant up to 10 days  
18 per month of incentive gain-time, except that no prisoner is  
19 eligible to earn any type of gain-time in an amount that would  
20 cause a sentence to expire, end, or terminate, or that would  
21 result in a prisoner's release, prior to serving a minimum of  
22 85 percent of the sentence imposed. When determining whether  
23 this section applies to sentences imposed for offenses with  
24 continuing or indeterminate offense dates, the department  
25 shall use the beginning date of the offense as charged in the  
26 indictment or information. For purposes of this subparagraph,  
27 credits awarded by the court for time physically incarcerated  
28 shall be credited toward satisfaction of 85 percent of the  
29 sentence imposed. Except as provided by this section, a  
30 prisoner shall not accumulate further gain-time awards at any  
31 point when the tentative release date is the same as that date

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1 at which the prisoner will have served 85 percent of the  
2 sentence imposed. State prisoners sentenced to life  
3 imprisonment shall be incarcerated for the rest of their  
4 natural lives, unless granted pardon or clemency.

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6 (Redesignate subsequent sections.)

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 1, line 28, following the semicolon

12

13 insert:

14 amending s. 944.275, F.S.; prescribing

15 guidelines for determining grants of gain-time;

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