

By the Committee on Criminal Justice and Senator Bronson

307-1701-99

1 A bill to be entitled
2 An act relating to county and municipal jails;
3 amending s. 951.21, F.S.; providing that the
4 gain-time awarded to county prisoners by the
5 board of county commissioners is optional;
6 deleting a provision requiring that the
7 allowances awarded to county prisoners for
8 meritorious conduct be awarded according to the
9 policy of the Department of Corrections and
10 limiting such awards; amending s. 951.23, F.S.;
11 providing that it is a second-degree
12 misdemeanor for a prisoner to knowingly and
13 willfully refuse to obey certain rules
14 governing prisoner conduct; providing an
15 effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 951.21, Florida Statutes, is
20 amended to read:

21 951.21 Gain-time for good conduct for county
22 prisoners.--

23 (1) Commutation of time for good conduct of county
24 prisoners may ~~shall~~ be granted by the board of county
25 commissioners. ~~and~~ The following deductions shall be made
26 from the term of sentence when no charge of misconduct has
27 been sustained against a county prisoner: 5 days per month off
28 the first and second years of the sentence; 10 days per month
29 off the third and fourth years of the sentence; 15 days per
30 month off the fifth and all succeeding years of the sentence.
31 Where no charge of misconduct is sustained against a county

1 prisoner, the deduction shall be deemed earned and the
2 prisoner shall be entitled to credit for a month as soon as
3 the prisoner has served such time as, when added to the
4 deduction allowable, will equal a month. A county prisoner
5 under two or more cumulative sentences shall be allowed
6 commutation as if they were all one sentence.

7 (2) For each sustained charge of escape or attempted
8 escape, mutinous conduct, or other serious misconduct, all the
9 commutation which shall have accrued in favor of a county
10 prisoner up to that day shall be forfeited, except that in
11 case of escape if the prisoner voluntarily returns without
12 expense to the state or county then such forfeiture may be set
13 aside by the board of county commissioners if in its judgment
14 the prisoner's subsequent conduct entitles him or her thereto.

15 (3) The board of county commissioners, upon
16 recommendation of the warden or sheriff, may adopt a policy to
17 allow for county prisoners, in addition to time credits, an
18 extra good-time allowance for meritorious conduct or
19 exceptional industry, not to exceed 5 days per month ~~in~~
20 ~~accordance with the existing policy of the Department of~~
21 ~~Corrections for such awards for state prisoners.~~

22 (4) All or any part of the gain-time earned by a
23 county prisoner and any extra gain-time allowed him or her, if
24 any, shall be subject to forfeiture by the board of county
25 commissioners upon recommendation of the sheriff or warden for
26 violation of any law of the state or any rule or regulation of
27 the board or institution.

28 Section 2. Subsection (11) is added to section 951.23,
29 Florida Statutes, 1998 Supplement, to read:

30 951.23 County and municipal detention facilities;
31 definitions; administration; standards and requirements.--

1 (11) It is a misdemeanor of the second degree,
2 punishable as provided in s. 775.082 or s. 775.083, for a
3 county prisoner or a municipal prisoner in a county detention
4 facility to knowingly, on two or more occasions, violate a
5 posted jail rule governing the conduct of prisoners, if the
6 rule prohibits any of the following acts:

7 (a) Assaulting any person;

8 (b) Fighting with another person;

9 (c) Threatening another with bodily harm, or any
10 offense against another person or property;

11 (d) Committing extortion or blackmail or demanding or
12 receiving money or anything of value in return for protection
13 against others to avoid bodily harm or under threat of
14 informing;

15 (e) Engaging in sexual acts with others;

16 (f) Making sexual proposals or threats to another;

17 (g) Committing indecent exposure;

18 (h) Escaping;

19 (i) Attempting or planning escape;

20 (j) Wearing a disguise or mask;

21 (k) Setting a fire;

22 (l) Destroying, altering, damaging, or defacing
23 government property or the property of another person;

24 (m) Stealing;

25 (n) Tampering with or blocking any locking device;

26 (o) Adulterating any food or drink;

27 (p) Possessing or introducing any explosive,
28 ammunition, firearm, or weapon;

29 (q) Possessing contraband;

30 (r) Misusing authorized medication;

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- 1 (s) Loaning property or anything of value for profit
2 or increased return;
- 3 (t) Possessing anything not authorized for retention
4 or receipt by the inmate and not issued to him or her through
5 regular institutional channels;
- 6 (u) Mutilating or altering issued clothing, bedding,
7 linen, or mattresses;
- 8 (v) Rioting;
- 9 (w) Encouraging others to riot;
- 10 (x) Engaging in or encouraging a group demonstration;
- 11 (y) Refusing to work;
- 12 (z) Encouraging others to refuse to work or
13 participating in work stoppage;
- 14 (aa) Refusing to obey a reasonable order of any staff
15 member;
- 16 (bb) Having any unexcused absence from work or any
17 assignment;
- 18 (cc) Malingering or feigning an illness or injury;
- 19 (dd) Failing to perform work as instructed by a
20 supervisor;
- 21 (ee) Committing insolence toward a staff member;
- 22 (ff) Lying or providing a false statement to a staff
23 member;
- 24 (gg) Committing conduct that disrupts or interferes
25 with the security or orderly running of the institution;
- 26 (hh) Counterfeiting, forging, or reproducing without
27 authorization any document, article, or identification, money,
28 security, or official paper;
- 29 (ii) Participating in an unauthorized meeting or
30 gathering;
- 31 (jj) Being in an unauthorized area;

1 (kk) Failing to follow safety or sanitation
2 regulations;
3 (ll) Using any equipment or machinery contrary to
4 instructions or posted safety standards;
5 (mm) Failing to stand count;
6 (nn) Interfering with the taking of count;
7 (oo) Making intoxicants or being intoxicated;
8 (pp) Smoking where prohibited;
9 (qq) Using abusive or obscene language;
10 (rr) Gambling, preparing or conducting a gambling
11 pool, or possessing gambling paraphernalia;
12 (ss) Being unsanitary, untidy, or failing to keep
13 one's person and one's quarters in accordance with posted
14 standards;
15 (tt) Tattooing or committing self-mutilation;
16 (uu) Using mail or telephone without authorization;
17 (vv) Having unauthorized contacts with the public;
18 (ww) Corresponding with or engaging in conduct with a
19 visitor in violation of posted regulations;
20 (xx) Giving or offering any official or staff member a
21 bribe or anything of value;
22 (yy) Giving money or anything of value to, or
23 accepting money or anything of value from, another inmate, a
24 member of his or her family, or his or her friend.
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26 Punishment for a violation of this subsection shall run
27 consecutive to any other sentence.
28 Section 3. This act shall take effect July 1, 1999.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 292

- Limits meritorious gain-time awards to a maximum of 5 days per month.
- Provides a list of specific acts that; if prohibited by a posted jail rule, would be a second-degree misdemeanor if violated by a prisoner of a local detention facility on two or more occasions.