

HB 1515

2010

1 A bill to be entitled

2 An act relating to elderly inmates; creating the Elderly
3 Rehabilitated Inmate Program to authorize the Parole
4 Commission to approve the early release of certain elderly
5 inmates; defining terms; providing eligibility
6 requirements for an inmate to participate in the program;
7 requiring that the petition to participate in the program
8 include certain documents; requiring the Department of
9 Corrections to notify the victim or the victim's family
10 within a specified period that a petition has been filed;
11 detailing the criteria that must be satisfied before the
12 petition to participate in the program may be approved;
13 requiring that the inmate participate in community service
14 and submit to electronic monitoring as conditions for
15 participating in the program; requiring the Department of
16 Corrections to implement pilot programs patterned on
17 restorative justice programs in one female and two male
18 correctional institutions; providing that any proposed
19 programs be developed after consultation with specified
20 persons; authorizing the department to conduct the
21 programs using departmental employees or private agencies;
22 requiring that the Elderly Rehabilitated Inmate Program
23 include comprehensive victim services to ensure the safety
24 of victims after the release of an inmate under the
25 program; requiring the department to adopt rules;
26 providing an effective date.

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

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Section 1. Elderly Rehabilitated Inmate Program; pilot programs.—

(1) As used in this section, the term:

(a) "Commission" means the Parole Commission.

(b) "Department" means the Department of Corrections.

(c) "Program" means the Elderly Rehabilitated Inmate Program.

(2) An inmate who:

(a) Is 50 years of age or older;

(b) Has served at least 25 consecutive years of imprisonment in an institution or facility of the department; and

(c) Is serving a sentence other than death,

may petition the commission to participate in the Elderly Rehabilitated Inmate Program.

(3) Each petition filed on behalf of an inmate to participate in the program must contain:

(a) Documentation of the inmate's relevant medical history, including current medical prognosis; and

(b) The inmate's prison experience and criminal history. The criminal history must include any claim of innocence, the degree to which the inmate accepts responsibility for his or her acts leading to the conviction of the crime, and how the claim of responsibility has affected the inmate's feelings of remorse.

(4) If an eligible inmate files a petition to participate in the program, the department shall notify the victim or the

HB 1515

2010

57 family of the victim no later than 30 days after the petition is
58 filed.

59 (5) The commission may approve an inmate for participation
60 in the program if the inmate demonstrates:

61 (a) Successful participation in programs designed to
62 restore the inmate as a useful and productive person in the
63 community upon release or, if such programs are not available,
64 the inmate demonstrates an attempt to be a useful and productive
65 person in the community upon release;

66 (b) Genuine reform and changed behavior over a period of
67 years;

68 (c) Remorse for actions that have caused pain and
69 suffering to the victims of his or her offenses;

70 (d) An ability to socialize with others in an acceptable
71 manner; and

72 (e) A renunciation of criminal activity and gang
73 affiliation if the inmate was a member of a gang.

74 (6) The commission shall consider the petition in its
75 entirety and may not order the release of an inmate if the
76 commission finds that the inmate poses a continued threat to
77 public safety. If the commission determines that an inmate is
78 eligible for and should participate in the Elderly Rehabilitated
79 Inmate Program, the commission shall set the conditions for the
80 inmate's release from prison before the expiration of the
81 inmate's sentence. The commission, when granting participation
82 in the program, shall require the inmate to participate in 10
83 hours of community service for each year served in prison and
84 require that the inmate be subject to electronic monitoring for

HB 1515

2010

85 at least 1 year.

86 (7) An inmate may file only one petition to participate in
87 the program.

88 (8) The department shall develop a pilot program that is
89 patterned on restorative justice programs and includes classes
90 on the effect of crime on crime victims. The pilot program shall
91 be implemented at one maximum security prison for women and at
92 two maximum security prisons for men. Restorative justice
93 programs that include classes on the effect that crime has on
94 victims shall be made available on a voluntary basis to inmates
95 who are eligible to participate in the Elderly Rehabilitated
96 Inmate Program.

97 (9) Any proposed program or strategy created under this
98 section must be developed after identifying a need in the
99 community for such program, through consultation with
100 representatives of the public, members of the judiciary, law
101 enforcement agencies, state attorneys, and defense attorneys.

102 (10) The department may provide departmental staff to
103 conduct the programs created under this section or may contract
104 with other public or private agencies for the delivery of
105 services related to the programs created under this section.

106 (11) The program must include comprehensive victim
107 services in order to ensure the safety of victims upon the
108 release of an inmate under the program.

109 (12) The department shall adopt rules to administer this
110 section.

111 Section 2. This act shall take effect July 1, 2010.