

By Senator Smith

29-00542A-10

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

31  
32 Section 1. Elderly Rehabilitated Inmate Program; pilot  
33 programs.-

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

35 (a) "Commission" means the Parole Commission.

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

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

39 (2) An inmate who:

40 (a) Is 50 years of age or older;

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

44 (c) Is serving a sentence other than death,

45  
46 may petition the commission to participate in the Elderly  
47 Rehabilitated Inmate Program.

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

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

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

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

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59 family of the victim no later than 30 days after the petition is  
60 filed.

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

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

68 (b) Genuine reform and changed behavior over a period of  
69 years;

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

72 (d) An ability to socialize with others in an acceptable  
73 manner; and

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

76 (6) The commission shall consider the petition in its  
77 entirety and may not order the release of an inmate if the  
78 commission finds that the inmate poses a continued threat to  
79 public safety. If the commission determines that an inmate is  
80 eligible for and should participate in the Elderly Rehabilitated  
81 Inmate Program, the commission shall set the conditions for the  
82 inmate's release from prison before the expiration of the  
83 inmate's sentence. The commission, when granting participation  
84 in the program, shall require the inmate to participate in 10  
85 hours of community service for each year served in prison and  
86 require that the inmate be subject to electronic monitoring for  
87 at least 1 year.

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

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

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

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

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

111       (12) The department shall adopt rules to administer this  
112 section.

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