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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2011	.	
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The Committee on Criminal Justice (Dockery) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 773 and 774  
insert:

Section 3. 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



803808

13 of incentive gain-time in effect on the date the inmate  
14 committed the offense which resulted in his or her incarceration  
15 shall be the inmate's rate of eligibility to earn incentive  
16 gain-time throughout the period of incarceration and shall not  
17 be altered by a subsequent change in the severity level of the  
18 offense for which the inmate was sentenced.

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

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

25 a. For offenses ranked in offense severity levels 1 through  
26 7, under s. 921.0012 or s. 921.0013, up to 25 days of incentive  
27 gain-time may be granted. If granted, such gain-time shall be  
28 credited and applied monthly.

29 b. For offenses ranked in offense severity levels 8, 9, and  
30 10, under s. 921.0012 or s. 921.0013, up to 20 days of incentive  
31 gain-time may be granted. If granted, such gain-time shall be  
32 credited and applied monthly.

33 3. For sentences imposed for offenses committed on or after  
34 October 1, 1995, the department may grant up to 10 days per  
35 month of incentive gain-time, except that no prisoner is  
36 eligible to earn any type of gain-time in an amount that would  
37 cause a sentence to expire, end, or terminate, or that would  
38 result in a prisoner's release, prior to serving a minimum of 85  
39 percent of the sentence imposed. For purposes of this  
40 subparagraph, credits awarded by the court for time physically  
41 incarcerated shall be credited toward satisfaction of 85 percent



803808

42 of the sentence imposed. Except as provided by this section, a  
43 prisoner shall not accumulate further gain-time awards at any  
44 point when the tentative release date is the same as that date  
45 at which the prisoner will have served 85 percent of the  
46 sentence imposed. State prisoners sentenced to life imprisonment  
47 shall be incarcerated for the rest of their natural lives,  
48 unless granted pardon or clemency.

49 4. For sentences imposed for offenses committed on or after  
50 October 1, 2011, the department may grant up to 10 days per  
51 month of incentive gain-time, except that a prisoner is not  
52 eligible to earn gain-time in an amount that would cause a  
53 sentence to expire, end, or terminate, or would result in a  
54 prisoner's release, before serving the following minimum  
55 percentage of sentence imposed:

56 a. Ninety-two percent of the sentenced imposed for a  
57 prisoner sentenced for committing a violent offense and who has  
58 one or more prior felony convictions.

59 b. Eighty-seven percent of the sentenced imposed for a  
60 prisoner sentenced for committing a violent offense and who has  
61 no prior felony convictions.

62 c. Eighty-five percent of the sentenced imposed for a  
63 prisoner sentenced for committing a nonviolent offense and who  
64 has one or more prior felony convictions.

65 d. Sixty-five percent of the sentenced imposed for a  
66 prisoner sentenced for committing a nonviolent offense and who  
67 has no prior felony convictions.

68  
69 For the purposes of this subparagraph, the term "violent  
70 offense" has the same meaning as the term "forcible felony" as



71 defined in s. 776.08.

72 Section 4. For the purpose of incorporating the amendment  
73 made by this act to section 944.275, Florida Statutes, in a  
74 reference thereto, paragraph (k) of subsection (4) of section  
75 775.084, Florida Statutes, is reenacted to read:

76 775.084 Violent career criminals; habitual felony offenders  
77 and habitual violent felony offenders; three-time violent felony  
78 offenders; definitions; procedure; enhanced penalties or  
79 mandatory minimum prison terms.—

80 (4)

81 (k)1. A defendant sentenced under this section as a  
82 habitual felony offender, a habitual violent felony offender, or  
83 a violent career criminal is eligible for gain-time granted by  
84 the Department of Corrections as provided in s. 944.275(4)(b).

85 2. For an offense committed on or after October 1, 1995, a  
86 defendant sentenced under this section as a violent career  
87 criminal is not eligible for any form of discretionary early  
88 release, other than pardon or executive clemency, or conditional  
89 medical release granted pursuant to s. 947.149.

90 3. For an offense committed on or after July 1, 1999, a  
91 defendant sentenced under this section as a three-time violent  
92 felony offender shall be released only by expiration of sentence  
93 and shall not be eligible for parole, control release, or any  
94 form of early release.

95  
96 ===== T I T L E A M E N D M E N T =====

97 And the title is amended as follows:

98  
99 Delete line 76



803808

100 and insert:

101

102 amending s. 944.275, F.S.; authorizing the Department  
103 of Corrections to grant up to 10 days per month of  
104 incentive gain-time applicable to sentences imposed  
105 for offenses committed on or after a specified date;  
106 providing an exception under certain circumstances;  
107 reenacting s. 775.084(4)(k), F.S., relating to violent  
108 career criminals, to incorporate the amendment made to  
109 s. 944.275, F.S., in a reference thereto; providing an  
110 effective date.