

HB 591

2015

1 A bill to be entitled
2 An act relating to educational achievement gain-time;
3 amending s. 921.002, F.S.; conforming provisions to
4 changes made by the act; amending s. 944.275, F.S.;
5 increasing the amount of incentive gain-time an inmate
6 may be awarded for certain educational achievements;
7 requiring that such an inmate must still serve a
8 specified percentage of his or her term of
9 imprisonment; providing an effective date.

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

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13 Section 1. Paragraph (e) of subsection (1) of section
14 921.002, Florida Statutes, is amended to read:

15 921.002 The Criminal Punishment Code.—The Criminal
16 Punishment Code shall apply to all felony offenses, except
17 capital felonies, committed on or after October 1, 1998.

18 (1) The provision of criminal penalties and of limitations
19 upon the application of such penalties is a matter of
20 predominantly substantive law and, as such, is a matter properly
21 addressed by the Legislature. The Legislature, in the exercise
22 of its authority and responsibility to establish sentencing
23 criteria, to provide for the imposition of criminal penalties,
24 and to make the best use of state prisons so that violent
25 criminal offenders are appropriately incarcerated, has
26 determined that it is in the best interest of the state to

27 | develop, implement, and revise a sentencing policy. The Criminal
 28 | Punishment Code embodies the principles that:

29 | (e) The sentence imposed by the sentencing judge reflects
 30 | the length of actual time to be served, shortened only by the
 31 | application of incentive and meritorious gain-time as provided
 32 | by law, and may not be shortened if the defendant would
 33 | consequently serve less than 85 percent of his or her term of
 34 | imprisonment as provided in s. 944.275(4)(b)3. or if the
 35 | defendant would consequently serve less than 70 percent of his
 36 | or her term of imprisonment as provided in s. 944.275(4)(d). The
 37 | provisions of chapter 947, relating to parole, shall not apply
 38 | to persons sentenced under the Criminal Punishment Code.

39 | Section 2. Paragraph (d) of subsection (4) of section
 40 | 944.275, Florida Statutes, is amended to read:

41 | 944.275 Gain-time.—

42 | (4)

43 | (d) Notwithstanding subparagraphs (b)1., ~~and 2., and 3.,~~
 44 | the education program manager shall recommend, and the
 45 | department shall ~~of Corrections may~~ grant, a one-time award of
 46 | 120 ~~60~~ additional days of incentive gain-time to an inmate who
 47 | is otherwise eligible and who successfully completes
 48 | requirements for and is awarded a high school equivalency
 49 | diploma or vocational certificate. If the application of the 120
 50 | days of incentive gain-time under this paragraph would result in
 51 | an inmate serving less than 70 percent of his or her term of
 52 | imprisonment, the department must grant the inmate the amount of

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53 | incentive gain-time that results in the inmate serving 70
54 | percent of his or her term of imprisonment. Under no
55 | circumstances may an inmate receive more than 120 ~~60~~ days for
56 | educational attainment pursuant to this section.

57 | Section 3. This act shall take effect July 1, 2015.