Bill No. HB 1201 (2017)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION ADOPTED (Y/N) ADOPTED AS AMENDED (Y/N) ADOPTED W/O OBJECTION (Y/N) FAILED TO ADOPT (Y/N) WITHDRAWN (Y/N) OTHER 1 Committee/Subcommittee hearing bill: Criminal Justice 2 Subcommittee 3 Representative Gonzalez offered the following: 4 5 Amendment (with title amendment) 6 Remove lines 292-305 and insert: 7 Section 5. Paragraphs (b) and (d) of subsection (4) of 8 section 944.275, Florida Statutes, are amended, and paragraph 9 (f) of subsection (4) is added, to read: 944.275 Gain-time.-10 (4) 11 (b) For each month in which an inmate works diligently, 12 participates in training, uses time constructively, or otherwise 13 14 engages in positive activities, the department may grant 15 incentive gain-time in accordance with this paragraph. The rate of incentive gain-time in effect on the date the inmate 16 410793 - h1201-line 292.docx Published On: 3/21/2017 2:48:41 PM Page 1 of 4

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17 committed the offense which resulted in his or her incarceration 18 shall be the inmate's rate of eligibility to earn incentive 19 gain-time throughout the period of incarceration and shall not 20 be altered by a subsequent change in the severity level of the 21 offense for which the inmate was sentenced.

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

26 2. For sentences imposed for offenses committed on or after 27 January 1, 1994, and before October 1, 1995:

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

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

36 3. For sentences imposed for offenses committed on or after 37 October 1, 1995, the department may grant up to 10 days per 38 month of incentive gain-time, except that no prisoner is 39 eligible to earn any type of gain-time in an amount that would 40 cause a sentence to expire, end, or terminate, or that would 41 result in a prisoner's release, prior to serving a minimum of 85 42 percent of the sentence imposed. For purposes of this

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43 subparagraph, credits awarded by the court for time physically incarcerated shall be credited toward satisfaction of 85 percent 44 of the sentence imposed. Except as provided by this section, a 45 prisoner shall not accumulate further gain-time awards at any 46 point when the tentative release date is the same as that date 47 at which the prisoner will have served 85 percent of the 48 49 sentence imposed. State prisoners sentenced to life imprisonment 50 shall be incarcerated for the rest of their natural lives, 51 unless granted pardon or clemency. 52 (d) Notwithstanding the monthly maximum awards of incentive

53 gain-time under subparagraphs (b)1., and 2., and 3., the education program manager shall recommend, and the Department of 54 Corrections may grant, a one-time award of 60 additional days of 55 incentive gain-time to an inmate who is otherwise eligible and 56 who successfully completes requirements for and is, or has been 57 during the current commitment, awarded a high school equivalency 58 diploma or vocational certificate. Under no circumstances may an 59 inmate receive more than 60 days for educational attainment 60 61 pursuant to this section.

(f) An inmate who is subject to subparagraph (b)3., is not eligible to earn or receive gain-time under paragraph (a), (b), (c), or (d) or any other type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release, prior to serving a minimum of 85 percent of the sentence imposed. For purposes of this paragraph, credits awarded by the court for time physically

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69	incarcerated shall be credited toward satisfaction of 85 percent
70	of the sentence imposed. Except as provided by this section, a
71	prisoner shall not accumulate further gain-time awards at any
72	point when the tentative release date is the same as that date
73	at which the prisoner will have served 85 percent of the
74	sentence imposed. State prisoners sentenced to life imprisonment
75	shall be incarcerated for the rest of their natural lives,
76	
77	
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79	TITLE AMENDMENT
80	Remove line 31 and insert:
81	incentive gain-time by the department; clarifying when gain-time
82	can be earned; amending s.
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