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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 03/21/2017 | . | |
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The Committee on Criminal Justice (Bracy) recommended the following:

Senate Amendment (with title amendment)

Delete lines 292 - 305

and insert:

Section 5. Paragraphs (b) and (d) of subsection (4) of section 944.275, Florida Statutes, are amended, and paragraph (f) of subsection (4) is added, to read:

944.275 Gain-time.—

(4)

(b) For each month in which an inmate works diligently,



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11 participates in training, uses time constructively, or otherwise
12 engages in positive activities, the department may grant
13 incentive gain-time in accordance with this paragraph. The rate
14 of incentive gain-time in effect on the date the inmate
15 committed the offense which resulted in his or her incarceration
16 shall be the inmate's rate of eligibility to earn incentive
17 gain-time throughout the period of incarceration and shall not
18 be altered by a subsequent change in the severity level of the
19 offense for which the inmate was sentenced.

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

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

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

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

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



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

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

60 (f) An inmate who is subject to subparagraph (b)3., is not
61 eligible to earn or receive gain-time under paragraph (a), (b),
62 (c), or (d) or any other type of gain-time in an amount that
63 would cause a sentence to expire, end, or terminate, or that
64 would result in a prisoner's release, prior to serving a minimum
65 of 85 percent of the sentence imposed. For purposes of this
66 paragraph, credits awarded by the court for time physically
67 incarcerated shall be credited toward satisfaction of 85 percent
68 of the sentence imposed. Except as provided by this section, a



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69 prisoner shall not accumulate further gain-time awards at any
70 point when the tentative release date is the same as that date
71 at which the prisoner will have served 85 percent of the
72 sentence imposed. State prisoners sentenced to life imprisonment
73 shall be incarcerated for the rest of their natural lives,
74 unless granted pardon or clemency.

75

76 ===== T I T L E A M E N D M E N T =====

77 And the title is amended as follows:

78 Delete line 31

79 and insert:

80 incentive gain-time by the department; clarifying when
81 gain-time can be earned; amending s.