

1 A bill to be entitled
 2 An act relating to first offense conditional release
 3 pilot program; creating s. 947.1406, F.S.; creating
 4 for a pilot program for conditional release of certain
 5 first-time offenders; providing program requirements;
 6 providing for conditions of release; requiring a
 7 report; providing for termination of admissions to the
 8 program by a specified date unless renewed by the
 9 Legislature; providing for inmates admitted to the
 10 program before admissions terminated; amending ss.
 11 947.1405 and 947.141, F.S.; conforming provisions to
 12 changes made by the act; providing an effective date.

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

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 16 Section 1. Section 947.1406, Florida Statutes, is created
 17 to read:

18 947.1406 First offense conditional release pilot program.—
 19 (1) A person who has served 20 years or more incarcerated
 20 in a state correctional facility, who has no other felony
 21 convictions in any jurisdiction, other than convictions that
 22 have arisen out of the same incident or transaction as the
 23 sentence currently being served, and who has not had any
 24 disciplinary reports in the past 5 years, unless otherwise
 25 provided by law, may be eligible for conditional release unless

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26 he or she has been convicted of and is currently serving a
27 sentence for the commission of, an attempt to commit, or a
28 conspiracy to commit any of the following:

29 (a) An offense specified in s. 775.084(1)(c), excluding s.
30 782.04(3) relating to felony murder; or

31 (b) An offense that requires a person to register as a
32 sexual predator under s. 775.21 or a sexual offender under s.
33 943.0435.

34 (2) Such a person may be released under the procedures and
35 restrictions provided under s. 947.1405, except as otherwise
36 provided in this section.

37 (3) An inmate released under this section:

38 (a) Shall have, for purposes of processing him or her
39 under s. 947.1405, a provisional release date of 90 days
40 following the completion of 20 years of confinement.

41 (b) An inmate released under this section shall remain at
42 his or her residence except for employment, medical care, and
43 other necessary activities as determined by the commission for a
44 period of 2 years following his or her release. Such an inmate
45 may be electronically monitored as provided in s. 947.1405. If
46 the inmate has no violations of his or her release conditions
47 during that period, he or she may be placed on a less
48 restrictive release as determined by the commission.

49 (4) The commission shall provide a report to the Governor,
50 the President of the Senate, and the Speaker of the House of

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51 Representatives no later than January 2, 2027, concerning the
52 success of the program. Factors to be considered include
53 successful integration of inmates into their communities and the
54 ability of inmates to finish the remainder of their sentence
55 under house arrest.

56 (5) Admittance to this program shall terminate June 30,
57 2027, unless the program is reviewed and saved from repeal
58 through reenactment by the Legislature. Inmates in the program
59 as of the termination of admission date may remain in the
60 program until they have completed their sentences as long as
61 they comply with its terms.

62 Section 2. Subsection (1) of section 947.1405, Florida
63 Statutes, is amended to read:

64 947.1405 Conditional release program.—

65 (1) This section, s. 947.1406, and s. 947.141 may be cited
66 as the "Conditional Release Program Act."

67 Section 3. Subsections (1), (2), and (7) of section
68 947.141, Florida Statutes, are amended to read:

69 947.141 Violations of conditional release, control
70 release, or conditional medical release or addiction-recovery
71 supervision.—

72 (1) If a member of the commission or a duly authorized
73 representative of the commission has reasonable grounds to
74 believe that an offender who is on release supervision under s.
75 947.1405, s. 947.1406, s. 947.146, s. 947.149, or s. 944.4731

76 | has violated the terms and conditions of the release in a
77 | material respect, such member or representative may cause a
78 | warrant to be issued for the arrest of the releasee; if the
79 | offender was found to be a sexual predator, the warrant must be
80 | issued.

81 | (2) Upon the arrest on a felony charge of an offender who
82 | is on release supervision under s. 947.1405, s. 947.1406, s.
83 | 947.146, s. 947.149, or s. 944.4731, the offender must be
84 | detained without bond until the initial appearance of the
85 | offender at which a judicial determination of probable cause is
86 | made. If the trial court judge determines that there was no
87 | probable cause for the arrest, the offender may be released. If
88 | the trial court judge determines that there was probable cause
89 | for the arrest, such determination also constitutes reasonable
90 | grounds to believe that the offender violated the conditions of
91 | the release. Within 24 hours after the trial court judge's
92 | finding of probable cause, the detention facility administrator
93 | or designee shall notify the commission and the department of
94 | the finding and transmit to each a facsimile copy of the
95 | probable cause affidavit or the sworn offense report upon which
96 | the trial court judge's probable cause determination is based.
97 | The offender must continue to be detained without bond for a
98 | period not exceeding 72 hours excluding weekends and holidays
99 | after the date of the probable cause determination, pending a
100 | decision by the commission whether to issue a warrant charging

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101 the offender with violation of the conditions of release. Upon
102 the issuance of the commission's warrant, the offender must
103 continue to be held in custody pending a revocation hearing held
104 in accordance with this section.

105 (7) If a law enforcement officer has probable cause to
106 believe that an offender who is on release supervision under s.
107 947.1405, s. 947.1406, s. 947.146, s. 947.149, or s. 944.4731
108 has violated the terms and conditions of his or her release by
109 committing a felony offense, the officer shall arrest the
110 offender without a warrant, and a warrant need not be issued in
111 the case.

112 Section 4. This act shall take effect July 1, 2024.