

By Senator Perry

9-01562A-24

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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 a  
4           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 admittance to the  
8           program by a specified date, unless the program is  
9           renewed by the Legislature; providing for inmates  
10          admitted to the program before the termination of  
11          admittance; amending ss. 947.1405 and 947.141, F.S.;  
12          conforming provisions to changes made by the act;  
13          providing an effective date.

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

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

19           947.1406 First offense conditional release pilot program.—  
20           (1) A person who has served 20 years or more incarcerated  
21           in a state correctional facility, who has no other felony  
22           convictions in any jurisdiction, other than convictions that  
23           have arisen out of the same incident or transaction as the  
24           sentence currently being served, and who has not had any  
25           disciplinary reports in the past 5 years, unless otherwise  
26           provided by law, may be eligible for conditional release unless  
27           he or she has been convicted of and is currently serving a  
28           sentence for the commission of, an attempt to commit, or a  
29           conspiracy to commit any of the following:

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30 (a) An offense specified in s. 775.084(1)(c), excluding s.  
31 782.04(3) relating to felony murder; or

32 (b) An offense that requires a person to register as a  
33 sexual predator under s. 775.21 or a sexual offender under s.  
34 943.0435.

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

38 (3) An inmate released under this section:

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

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

50 (4) The commission shall submit a report to the Governor,  
51 the President of the Senate, and the Speaker of the House of  
52 Representatives no later than January 2, 2027, concerning the  
53 success of the program. Factors to be considered include  
54 successful integration of inmates into their communities and the  
55 ability of inmates to finish the remainder of their sentences  
56 under house arrest.

57 (5) Admittance to this program shall terminate June 30,  
58 2027, unless the program is reviewed and saved from repeal

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59 through reenactment by the Legislature. Inmates in the program  
60 as of the termination of admission date may remain in the  
61 program until they have completed their sentences as long as  
62 they comply with its terms.

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

65 947.1405 Conditional release program.—

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

68 Section 3. Subsections (1), (2), and (7) of section  
69 947.141, Florida Statutes, are amended to read:

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

73 (1) If a member of the commission or a duly authorized  
74 representative of the commission has reasonable grounds to  
75 believe that an offender who is on release supervision under s.  
76 947.1405, s. 947.1406, s. 947.146, s. 947.149, or s. 944.4731  
77 has violated the terms and conditions of the release in a  
78 material respect, such member or representative may cause a  
79 warrant to be issued for the arrest of the releasee; if the  
80 offender was found to be a sexual predator, the warrant must be  
81 issued.

82 (2) Upon the arrest on a felony charge of an offender who  
83 is on release supervision under s. 947.1405, s. 947.1406, s.  
84 947.146, s. 947.149, or s. 944.4731, the offender must be  
85 detained without bond until the initial appearance of the  
86 offender at which a judicial determination of probable cause is  
87 made. If the trial court judge determines that there was no

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88 probable cause for the arrest, the offender may be released. If  
89 the trial court judge determines that there was probable cause  
90 for the arrest, such determination also constitutes reasonable  
91 grounds to believe that the offender violated the conditions of  
92 the release. Within 24 hours after the trial court judge's  
93 finding of probable cause, the detention facility administrator  
94 or designee shall notify the commission and the department of  
95 the finding and transmit to each a facsimile copy of the  
96 probable cause affidavit or the sworn offense report upon which  
97 the trial court judge's probable cause determination is based.  
98 The offender must continue to be detained without bond for a  
99 period not exceeding 72 hours excluding weekends and holidays  
100 after the date of the probable cause determination, pending a  
101 decision by the commission whether to issue a warrant charging  
102 the offender with violation of the conditions of release. Upon  
103 the issuance of the commission's warrant, the offender must  
104 continue to be held in custody pending a revocation hearing held  
105 in accordance with this section.

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

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