

By Senator Smith

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1 A bill to be entitled
2 An act relating to parole for long-term prisoners;
3 creating s. 947.161, F.S.; providing that certain
4 long-term prison sentences are parole-eligible under
5 certain circumstances; providing for retroactive
6 application; providing eligibility requirements;
7 providing conditions of parole for such persons;
8 providing for disposition of savings produced by such
9 a program of parole; providing an effective date.

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11 WHEREAS, parole works, according to a report by the Florida
12 Commission on Offender Review which states that "97.5 percent of
13 parolees have successfully completed their parole supervision
14 without revocation within the first 3 years of release," and

15 WHEREAS, long-term incarceration disproportionately impacts
16 poor communities and communities of color, and

17 WHEREAS, the costs of long-term incarceration are social,
18 cultural, and economic and cause additional harm to society over
19 and above the costs of the crime committed, and

20 WHEREAS, the annual financial cost to incarcerate an
21 individual in this state averages over \$28,000 per inmate per
22 year, and

23 WHEREAS, a 25-year study found that people who commit
24 violent crimes may actually be less likely to commit another
25 serious offense, and

26 WHEREAS, recidivism rates decline dramatically as people
27 age. For example, of persons convicted of violent crimes, only 4
28 percent who are released between ages 45 and 54 reoffend, and
29 that number drops even further to 1 percent at age 55 and above,

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30 and among people previously convicted of murder, those rates
31 fall to 1.5 percent and 0.4 percent, respectively, and

32 WHEREAS, in Philadelphia, 174 people were resentenced and
33 released after having been sentenced to life without parole for
34 homicides committed as children, and after they had been in the
35 community for an average of 21 months, only 2 persons (1.1
36 percent) had been reconvicted of any offense, and

37 WHEREAS, in Maryland, 188 people serving life without
38 parole, mostly for murder or rape, were released after serving
39 30 or more years after a court ruled that jury instructions in
40 their cases had been unconstitutional, and 6 years later, only 5
41 persons (2.7 percent) had returned to prison either for
42 violating parole or for committing a new crime, and

43 WHEREAS, it is the intent of the Legislature to advance
44 public safety through punishment, rehabilitation, and
45 restorative practices, and when a sentence includes
46 incarceration, these purposes are best served by terms that are
47 proportionate to the seriousness of the offense and provide
48 uniformity with the sentences of offenders committing the same
49 offense under similar circumstances, and

50 WHEREAS, by providing a means to reevaluate a sentence
51 after a certain period of time has passed, the Legislature
52 intends to provide the tools to ensure these purposes are
53 achieved when it is determined that the original sentence no
54 longer advances the interests of justice and the offender is no
55 longer a public safety risk, NOW, THEREFORE,

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

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59 Section 1. Section 947.161, Florida Statutes, is created to
60 read:

61 947.161 Parole for long-term prisoners.-

62 (1) Notwithstanding any other law and excluding death
63 sentences, a sentence of incarceration that exceeds 10 years for
64 an offense that did not result in death, or 20 years if the
65 offense resulted in death and for which the offender was not
66 designated a sexual predator, shall become a parole-eligible
67 sentence and the offender referred to the commission due to the
68 valuable rehabilitative incentive provided by parole-eligible
69 sentences and the success of parolees as compared to the lack
70 thereof with regard to parole-ineligible sentences and releases
71 notwithstanding any other provision of law, including any
72 applicable mandatory minimum term of imprisonment, prison
73 releasee reoffender, life, or life-like sentence. This section
74 applies to any offender, including those sentenced on or before
75 the effective date of this section.

76 (2) The offender may apply to the commission for parole
77 consideration under this section only if he or she satisfies all
78 of the following requirements:

79 (a) Has no disciplinary offenses in the 7 years before the
80 review and the overall number of offenses declined while he or
81 she was incarcerated.

82 (b) Possesses a high school diploma or GED.

83 (c) Has successfully completed a faith- and character-based
84 program within the department.

85 (d) Has successfully completed victim impact education.

86 (e) Has successfully completed anger management education.

87 (f) Has completed alcohol and substance abuse programming

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88 at least once, if he or she has no drug or alcohol abuse
89 history, and, if there is a history of drug or alcohol abuse in
90 the last 10 years, is currently enrolled in alcohol and
91 substance abuse programming.

92 (g) Has taken rehabilitation classes, as demonstrated
93 through certificates of completion.

94 (h) Has participated in the department's Incentivized
95 Prison Program.

96 (i) Has a written release plan.

97 (j) Is 50 years of age or older.

98 (3) Any offender released under this section must:

99 (a) Submit to community control conditions for a period of
100 1 year if the offense did not result in death or 3 years if the
101 offense resulted in death.

102 (b) Participate in a transition home for a period of 1
103 year.

104 (c) Adhere to a curfew from 10 p.m. to 6 a.m.

105 (d) Report monthly to his or her supervising officer.

106 (e) Appear in person at all parole hearings.

107 (f) Attend Alcoholics Anonymous or Narcotics Anonymous for
108 a minimum period of 1 year if he or she has no substance abuse
109 history and 3 years if he or she has a substance abuse history.

110 (g) Work a minimum of 20 hours per week, unless he or she
111 receives Social Security or Social Security Disability benefits.

112 (h) Pay restitution, if ordered.

113 (i) Volunteer at least 4 hours a month at a correctional
114 institution in this state.

115 (j) Not leave his or her county of residence without
116 permission.

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117 (k) Have no contact with the victims or victim's family
118 unless approved in writing by the commission.

119 (4) Subject to legislative appropriation, of the savings
120 realized by the department as a result of this section:

121 (a) Fifty percent shall be designated to fund law
122 enforcement programs designed to counter recidivism through
123 programs, education, and restorative justice practices.

124 (b) Twenty-five percent shall be designated to fund prison
125 and community-based programs designed to counter recidivism
126 through education, therapeutic intervention, maintenance of
127 family and social networks, restorative practices, and
128 successful post-custodial reentry to society.

129 (c) Twenty-five percent shall be designated to fund
130 dedicated personnel in the offices of the commission.

131 Section 2. This act shall take effect July 1, 2025.