

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Hart offered the following:

Amendment (with title amendment)

Between lines 4304 and 4305, insert:

Section 55. Paragraphs (b) and (f) of subsection (4) of section 944.275, Florida Statutes, are amended to read:

944.275 Gain-time.—

(4)

(b) For each month in which an inmate works diligently, participates in training, uses time constructively, or otherwise engages in positive activities, the department may grant incentive gain-time in accordance with this paragraph. The rate of incentive gain-time in effect on the date the inmate

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

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

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

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

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

33 3. For sentences imposed for offenses committed on or
34 after October 1, 1995, the department may grant up to 10 days
35 per month of incentive gain-time except that:

36 a. If the offense is a nonviolent felony, as defined in s.
37 948.08(6), the prisoner is not eligible to earn any type of
38 gain-time in an amount that would cause a sentence to expire,

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39 end, or terminate, or that would result in a prisoner's release,
40 before he or she serves a minimum of 65 percent of the sentence
41 imposed. For purposes of this sub-subparagraph, credits awarded
42 by the court for time physically incarcerated must be credited
43 toward satisfaction of 65 percent of the sentence imposed. A
44 prisoner who is granted incentive gain-time pursuant to this
45 sub-subparagraph may not accumulate further gain-time awards at
46 any point when the tentative release date is the same as that
47 date at which the prisoner will have served 65 percent of the
48 sentence imposed. State prisoners sentenced to life imprisonment
49 must be incarcerated for the rest of their natural lives, unless
50 granted pardon or clemency.

51 b. If the offense is not a nonviolent felony, as defined
52 in s. 948.08(6), the prisoner is not eligible to earn any type
53 of gain-time in an amount that would cause a sentence to expire,
54 end, or terminate, or that would result in a prisoner's release,
55 before he or she serves a minimum of 85 percent of the sentence
56 imposed. For purposes of this sub-subparagraph, credits awarded
57 by the court for time physically incarcerated must be credited
58 toward satisfaction of 85 percent of the sentence imposed. A
59 prisoner who is granted incentive gain-time pursuant to this
60 sub-subparagraph may not accumulate further gain-time awards at
61 any point when the tentative release date is the same as that
62 date at which the prisoner will have served 85 percent of the
63 sentence imposed. State prisoners sentenced to life imprisonment

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64 must be incarcerated for the rest of their natural lives, unless
65 granted pardon or clemency.

66 ~~(f) An inmate who is subject to subparagraph (b)3. is not~~
67 ~~eligible to earn or receive gain-time under paragraph (a),~~
68 ~~paragraph (b), paragraph (c), or paragraph (d) or any other type~~
69 ~~of gain-time in an amount that would cause a sentence to expire,~~
70 ~~end, or terminate, or that would result in a prisoner's release,~~
71 ~~prior to serving a minimum of 85 percent of the sentence~~
72 ~~imposed. For purposes of this paragraph, credits awarded by the~~
73 ~~court for time physically incarcerated shall be credited toward~~
74 ~~satisfaction of 85 percent of the sentence imposed. Except as~~
75 ~~provided by this section, a prisoner may not accumulate further~~
76 ~~gain-time awards at any point when the tentative release date is~~
77 ~~the same as that date at which the prisoner will have served 85~~
78 ~~percent of the sentence imposed. State prisoners sentenced to~~
79 ~~life imprisonment shall be incarcerated for the rest of their~~
80 ~~natural lives, unless granted pardon or clemency.~~

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

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Between lines 302 and 303, insert:

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amending s. 944.275, F.S.; revising the incentive

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gain-time that the Department of Corrections may grant

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a prisoner for offenses committed on or after a

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specified date;

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