

## **CS/SB 572 – Release from Imprisonment**

This bill amends s. 944.275, F.S., permitting up to 20 days per month of incentive gain-time for sentences imposed for offenses, regardless of the date committed, subject to the following restrictions:

- For nonviolent felonies, must still serve a minimum of 65% of the imposed sentence; or
- For all other offenses, except those resulting in a sentence of life imprisonment, must still serve a minimum of 85% of the imposed sentence.

This law would go into effect on July 1, 2020.

**See “Changing Percent of Sentence that Must Be Served by Nonviolent Offenders” Handout for a subset of the effect.**

### **CONFERENCE ADOPTED ESTIMATE: **Bed Impact****

This bill also amends s. 945.091, F.S., adding the following to when the Florida Department of Corrections may adopt rules permitting the extension of the limits of the place of confinement: “Participate in supervised community release as prescribed by the department by rule. An inmate who has a sentence of 2 years or more may begin participation in supervised community release 365 days before his or her provisional or tentative release date.” Furthermore, “the department must administer a risk assessment instrument to appropriately determine an inmate’s ability to be released pursuant to this paragraph.” Language is also added to s. 944.275, F.S. to preserve the requirement of at least 85% of an inmate’s sentence needing to be served, even if that inmate is on supervised community release.

Per DOC, there are currently 27,847 inmates potentially eligible to be released one year earlier under this new language. However, given the requirement for a risk assessment instrument to determine who could be placed under supervision, there would likely be fewer inmates released than those who are potentially eligible. While that cannot be quantified, the size of the potentially eligible population would lead to the release of enough prisoners to have a significant impact on prison beds.

### **CONFERENCE ADOPTED ESTIMATE: **Negative Significant****

**CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL: **Bed Impact equal to at least as many as the component parts.****

**Requested by: Senate**

# CS/SB 572

## Changing Percent of Sentence that Must Be Served by Nonviolent Offenders

October 1, 2020 Effective Date

The Criminal Justice Estimating Conference met on 1/27/2020 and estimated the following net impact on the inmate population over the next five years:

a	b	c
Fiscal Year	Projected Cumulative Prison Beds Required	FUNDS REQUIRED
		Annual Operating Costs
2020-2021	-11,224	(\$117,019,860)
2021-2022	-10,627	(\$246,604,267)
2022-2023	-10,839	(\$250,608,465)
2023-2024	-10,788	(\$257,896,379)
2024-2025	-10,611	(\$263,323,410)
<b>Total</b>	<b>-10,611</b>	<b>(\$1,135,452,381)</b>

Prepared by Florida Legislature, Office of Economic and Demographic Research, January 8, 2020

FY 2018-19 full operating costs per inmate were obtained from DOC. The \$59.92 per diem (\$21,871 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$4.09 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

FY 2018-19 dorm/work camp operating costs per inmate were obtained from DOC. The \$37.97 per diem (\$13,859 annual cost) includes costs such as health care, inmate personal care items, and officers assigned to dorms.

FY 2018-19 variable operating costs per inmate were obtained from DOC. The \$21.70 per diem (\$7,921 annual cost) includes costs such as health care and inmate personal care items.

FY 2006-07 capital costs per bed were based on Department of Corrections cost to build Suwanee CI (\$94,000,000 for 2,003 lawful capacity beds) as reported at the Criminal Justice Impact Conference held February 23, 2010. Capital costs in later years were increased by the change in the chained price index for state and local construction spending obtained from Global Insight, Inc.

**Note: This impact statement is not intended to represent the direct appropriations impact of this bill. Rather, it provides a stand-alone estimate of the prison bed need of this particular bill. Cost data are included to allow a comparison of the impact of this bill with other proposed legislation. The actual appropriation associated with passage of this bill will differ depending on a number of factors including the existing inventory of prison beds.**