

HB 535 – Aged Prison Inmates

This bill creates s. 947.128, F.S., establishing supervised conditional elderly release for inmates 65 years of age or older, who have served at least 50 percent of their prison sentences, are not eligible for parole or conditional medical release, and other specific eligibility criteria. Entry into this program requires a detailed inmate petition, with the Florida Commission on Offender Review having the discretion to decide on who can enter this program. Denial of the petition results in a one year waiting period before another petition can be filed.

There are currently 132 inmates eligible for the supervised conditional elderly release program. There are 143 more that will become eligible over the next five years. It is not known how many inmates the commission will approve each year.

CONFERENCE ADOPTED ESTIMATE: **Negative Indeterminate**

This bill also amends s. 947.149, F.S., expanding the definition of who is eligible for conditional medical release, adding elderly or infirm inmate, which is an inmate 65 years of age or older “who has a condition caused by age, injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate infirm or physically impaired to the extent that the inmate does not constitute a danger to himself or herself or others.” Specific offenses are also added as disqualifiers for conditional medical release.

See “Aged Prison Inmates: Conditional Medical Release” Handout for a subset of the effect. Although FCOR approves on average 40% of eligible inmates per calendar year under current conditional medical release (2014 through 2016), this could decrease with a larger pool to choose from. The handout assumes 10% approval per fiscal year, consistent with an impact adopted by CJIC in a prior fiscal year.

CONFERENCE ADOPTED ESTIMATE: **Negative Significant**

**CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL:
Negative Significant**

Requested by: House

HB 535

Aged Prison Inmates: Conditional Medical Release

July 1, 2017 Effective Date

The Criminal Justice Estimating Conference met on 3/2/2017 and estimated the following net impact on the inmate population over the next five years:

a	b	c	FUNDS REQUIRED			
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2017-2018	-46	-46	(\$139,104)	(\$5,890,416)	(\$6,029,520)	(\$6,029,520)
2018-2019	-94	-48	(\$432,250)	(\$3,336,736)	(\$3,768,986)	(\$9,798,506)
2019-2020	-146	-52	(\$760,200)	(\$3,555,144)	(\$4,315,344)	(\$14,113,850)
2020-2021	-200	-54	(\$1,125,538)	(\$3,913,956)	(\$5,039,494)	(\$19,153,344)
2021-2022	-258	-58	(\$1,528,575)	(\$4,357,647)	(\$5,886,222)	(\$25,039,566)
Total	-258	-258	(\$3,985,667)	(\$21,053,899)	(\$25,039,566)	(\$25,039,566)

Prepared by Florida Legislature, Office of Economic and Demographic Research, February 27, 2017

FY 2015-16 operating costs per inmate were obtained from DOC. The \$53.49 per diem (\$19,524 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 \$3.34 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

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.