

CS/CS/SB 574 – Conditional Aging Inmate Release

This bill creates s. 945.0912, F.S., establishing “a conditional aging inmate release program within the department for the purpose of determining eligible inmates who are appropriate for such release, supervising the released inmates, and conducting revocation hearings as provided for in this section.” An inmate becomes eligible for this program when the inmate “has reached 65 years of age and has served at least 10 years on his or her term of imprisonment. Notwithstanding any other provision of law, an inmate who meets the above criteria may be released from the custody of the department pursuant to this section prior to satisfying 85 percent of his or her term of imprisonment.” However, an inmate may not be considered for release through the program “if he or she has ever been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent for committing” a list of offenses: “any offense classified as a capital felony, life felony, or first degree felony punishable by a term of years not exceeding life imprisonment,” any violation involving the killing of a human being, any felony serving as a predicate to registration as a sexual offender, and any similar offense in another jurisdiction that would be an offense listed if committed in violation of the laws of this state. Furthermore, an inmate who is eligible for consideration as a candidate for conditional aging inmate release must be considered for this program. Finally, “an inmate who has previously been released on any form of conditional or discretionary release and who was recommitted to the department as a result of a finding that he or she subsequently violated the terms of such conditional or discretionary release may not be considered for release through the program.”

Per DOC, currently there are 287 inmates potentially eligible under the criteria outlined in the bill. However, given the multiple steps involving both the consideration of additional evidence/investigations and the right of victims to be heard, as well as an initial majority decision by a panel and the final decision by the Secretary for those who are denied by the panel, it is not known how many of the potentially eligible inmates would be part of this program.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

Requested by: Senate