

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 1990

INTRODUCER: Senator Dockery

SUBJECT: Inmates/Supervised Reentry Programs

DATE: March 6, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Krol	Cannon	CJ	Favorable
2.			JA	
3.				
4.				
5.				
6.				

I. Summary:

This bill creates the supervised reentry program. This program is essentially an expansion of the current community work release program by allowing the Department of Corrections (department) to place an inmate in paid employment and for the inmate to live in a department approved residence within the community.

The bill provides legislative intent to encourage the department to place inmates in paid employment within the community at no less than six months before their sentence expires.

This bill substantially amends section 945.091 of the Florida Statutes.

II. Present Situation:

Section 945.091(1)(a), F.S., allows for the extension of the limits of confinement by allowing trusted inmates under specific conditions to leave department supervision unaccompanied by correctional officers. With department approval, inmates may visit a dying relative, attend a funeral of a relative, or arrange for employment or residence for use when released. Inmates may also be released for specified periods to designated places if it will aid in their rehabilitation or successful transition back into the community.

Section 945.091(1)(b), F.S., outlines that an inmate may participate in paid employment, an education or training program, or volunteer with a public or nonprofit agency or faith-based service group in the community while still being confined by the department during the period that the inmate is not involved in any of the above activities.

Section 945.091(c), F.S., states that an inmate may participate in a residential or nonresidential rehabilitative program operated by a public or private nonprofit agency. These agencies, which can be faith-based, must contract with the department to provide treatment to the inmate.

Inmates have participated in a form of work release since the inception of community corrections centers in 1971. The department's annual report in 1973-1974 cites that 1,268 inmates, 12 percent of the then prison population of 10,496 inmates, were involved in the program. In 1982, the program held 2,274 inmates (8.6% of the prison population,) 1996 held 2,547 inmates (about 4% of the prison population) and currently in 2007 there are 3,054 inmates (about 3% of today's prison population) participating. As shown from these statistics, the work release program has maintained a small and shrinking role in the corrections system.¹

Inmates convicted of sexual battery² are not eligible for any extension of limits of confinement under this section. Inmates who have been terminated from work release, community-based residential substance abuse program or center work assignment for disciplinary reasons during his confinement, been incarcerated four or more times in any state or federal correctional facility, refused to complete or has an unsatisfactory removal from substance abuse or academic programs, or have a felony or misdemeanor detainer are not eligible for community work release.³ Inmates convicted of any murder, manslaughter, sexual battery, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy, or any attempt to commit the aforementioned crimes, are not allowed to attend classes at any state community college or university that is part of the State University System. Inmates found guilty of a violation of escape within the last five years are also ineligible.⁴

The department requires inmates placed on extended limits of confinement to pay restitution. Inmates may petition the circuit court to amend the amount or schedule which is prescribed by the department or the Parole Commission.

The department may levy fines against inmates placed on extended limits of confinement. These fines will not exceed \$50 for minor infractions, and \$100 for major infractions. Fines will be placed in the General Revenue Fund.

Currently inmates are allowed to work at paid employment in the community through a program called community work release.⁵ Inmates are allowed to work in the community without department supervision, but must reside in a work release center during the period they are not at work.

The money earned by inmates is managed by the department. The inmate's net pay is divided to pay restitution or court ordered payments (10%) and family assistance, including child support (10%.) A mandatory 10 percent of the inmate's net pay is placed in the inmate's savings account.

¹ Florida Senate Interim Project Report 2004-127, January 2004, "A Review of the Department of Corrections' Inmate Work Release Law"

² As pursuant to s. 794.011, F.S.

³ F.A.C. Rule 33-601.606

⁴ F.A.C. Rule 33-601.314 4-1

⁵ F.A.C. Rule 33-601.602

Inmates pay \$65 a week in incidental costs to the department. Any amount remaining goes into the inmate's savings account.

III. Effect of Proposed Changes:

The bill is an identical proposal sought by then-Secretary McDonough who advanced this concept and accompanying legislation at two separate committee hearings on August 28, 2007 and December 13, 2007.⁶

This bill would allow inmates that participate in the supervised reentry program to be housed in the community while working at paid employment or participating in other department approved activities. Inmates may participate in the supervised reentry program only during the last 14 months of his or her confinement and only after residing in a work release program for at least 6 months. Inmates without a viable release plan would not be eligible for participation. The department's goal is to approve placement of inmates with family, but approved housing may include appropriate treatment centers and halfway houses.

If this legislation passes, the department reports that in July 2008, the department will move 500 pre-screened inmates into the supervised reentry program. The department will move 500 inmates a month into the program until the supervised reentry program reaches 3,000 inmates in December 2008. The department intends to maintain 3,000 inmates in the program thereafter.

Under the proposal submitted by the department, inmates would be required to meet with corrections and probation officers no fewer than six times per month, including one home and one work visit. Inmates would be subject to reporting to the department, drug testing, background screening, verification of employment, and other requirements established by Rule. The inmate may only use means of transportation approved by the department. If an inmate fails to comply with the conditions of the program they are subject to removal and disciplinary action such as loss of privilege, restrictions, disciplinary confinement, and forfeiture of gain-time or the right to earn gain-time in the future. Violators can be charged with a third degree felony.

Monies earned by inmates in the supervised reentry program would be managed the same as those collected by inmates at work release centers.

The bill will have a positive impact on prison bed space as inmates in the supervised reentry program will not be included in the bed count for purposes of determining total capacity.⁷

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁶ Criminal and Civil Justice Appropriations Committee.

⁷ As pursuant to s. 944.023(1)(b), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Inmates will be given the opportunity to work with employers who may serve as future employers or business references when inmates return to the community after serving their sentence. This may allow inmates to find employment more easily after incarceration.

C. Government Sector Impact:

This will have an immediate and positive impact on prison bed space as more inmates within the supervised reentry program will not count toward bed space capacity. This bill will free up approximately 3,000 prison beds within six months of the bill's enactment. This equates to an operational savings to the department of \$26.2 million for FY 2008-2009.

Finally, it is less costly for the department to place inmates in the supervised reentry program as the inmates pay for the cost of their supervision and any treatment programs they participate in.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Interim Project Report 2004-127 reviewed the department's inmate work-release law. This report detailed the history of the community work release program and described the positive transitional aspects provided to the inmate by community work release through employment, restitution and child support payment, and creating community ties before release.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
