

By Senator Smith

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1 A bill to be entitled
2 An act relating to parole for long-term prisoners;
3 creating s. 947.161, F.S.; providing that certain
4 offenders serving long-term prison sentences are
5 parole eligible under certain circumstances; providing
6 for retroactive application; specifying eligibility
7 requirements; providing conditions of parole for such
8 persons; providing for disposition of savings produced
9 by such a program of parole; providing an effective
10 date.

11
12 WHEREAS, according to a report by the Florida Commission on
13 Offender Review, "97.5 percent of parolees have successfully
14 completed their parole supervision without revocation within the
15 first 3 years of release," signifying that parole is effective,
16 and

17 WHEREAS, long-term incarceration disproportionately impacts
18 poor communities and communities of color, and

19 WHEREAS, the costs of long-term incarceration are social,
20 cultural, and economic and cause additional harm to society over
21 and above the costs of the crime committed, and

22 WHEREAS, the annual financial cost to incarcerate an
23 individual in this state averages more than \$28,000 per inmate
24 per year, and

25 WHEREAS, a 25-year study found that people who commit
26 violent crimes may be less likely to commit another serious
27 offense, and

28 WHEREAS, of persons convicted of violent crimes, only 4
29 percent who are released between ages 45 and 54 reoffend, and

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that number drops even further to 1 percent at age 55 and above, and among people previously convicted of murder, those rates fall to 1.5 percent and 0.4 percent, respectively, indicating that recidivism rates decline dramatically as people age, and

WHEREAS, in Philadelphia, Pennsylvania, 174 people were resentenced and released after having been sentenced to life without parole for homicides committed as children, and after they had been in the community for an average of 21 months, only 2 persons (1.1 percent) had been reconvicted of any offense, and

WHEREAS, in Maryland, 188 people serving life without parole, mostly for murder or rape, were released after serving 30 or more years after a court ruled that jury instructions in their cases had been unconstitutional, and 6 years later, only 5 persons (2.7 percent) had returned to prison either for violating parole or for committing a new crime, and

WHEREAS, it is the intent of the Legislature to advance public safety through punishment, rehabilitation, and restorative practices, and when a sentence includes incarceration, these purposes are best served by terms that are proportionate to the seriousness of the offense and that provide uniformity in the sentences of offenders committing the same offense under similar circumstances, and

WHEREAS, by providing a means to reevaluate a sentence after a certain period of time has passed, the Legislature intends to provide the tools to ensure these purposes are achieved if it is determined that the original sentence no longer advances the interests of justice and the offender is no longer a public safety risk, NOW, THEREFORE,

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 947.161, Florida Statutes, is created to read:

947.161 Parole for long-term prisoners.—

(1) Notwithstanding any other law and excluding death sentences, a sentence of incarceration that exceeds 10 years for an offense that did not result in death, or 20 years if the offense resulted in death and for which the offender was not designated a sexual predator, shall become a parole-eligible sentence and the offender referred to the commission due to the valuable rehabilitative incentive provided by parole-eligible sentences and the success of parolees as compared to the lack thereof with regard to parole-ineligible sentences and releases notwithstanding any other provision of law, including any applicable mandatory minimum term of imprisonment, prison releasee reoffender, life sentence, or life-like sentence. This section applies to any offender, including those sentenced on or before the effective date of this section.

(2) The offender may apply to the commission for parole consideration under this section only if he or she satisfies all of the following requirements:

(a) Has no disciplinary offenses in the 7 years before the review and the overall number of offenses declined while he or she was incarcerated.

(b) Possesses a high school diploma or GED.

(c) Has successfully completed a faith- and character-based program within the department.

(d) Has successfully completed victim impact education.

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88 (e) Has successfully completed anger management education.

89 (f) Has completed alcohol and substance abuse programming
90 at least once if he or she has no drug or alcohol abuse history,
91 or, if there is a history of drug or alcohol abuse in the last
92 10 years, is currently enrolled in alcohol and substance abuse
93 programming.

94 (g) Has taken rehabilitation classes, as demonstrated
95 through certificates of completion.

96 (h) Has participated in the department's Incentivized
97 Prison Program.

98 (i) Has a written release plan.

99 (j) Is 50 years of age or older.

100 (3) An offender released under this section must do all of
101 the following:

102 (a) Submit to community control conditions for a period of
103 1 year if the offense the offender committed did not result in a
104 death or 3 years if the offense resulted in a death.

105 (b) Participate in a transition home for a period of 1
106 year.

107 (c) Adhere to a curfew from 10 p.m. to 6 a.m.

108 (d) Report monthly to his or her supervising officer.

109 (e) Appear in person at all parole hearings.

110 (f) Attend Alcoholics Anonymous or Narcotics Anonymous for
111 a minimum period of 1 year if he or she has no substance abuse
112 history and 3 years if he or she has a substance abuse history.

113 (g) Work a minimum of 20 hours per week, unless he or she
114 receives social security retirement benefits or social security
115 disability benefits.

116 (h) Pay restitution, if ordered.

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117 (i) Volunteer at least 4 hours a month at a correctional
118 institution in this state.

119 (j) Not leave his or her county of residence without
120 permission.

121 (k) Have no contact with any of his or her victims or any
122 of their family members unless approved in writing by the
123 commission.

124 (4) Subject to legislative appropriation, of the savings
125 realized by the department as a result of this section:

126 (a) Fifty percent must be designated to fund law
127 enforcement programs designed to counter recidivism through
128 programs, education, and restorative justice practices.

129 (b) Twenty-five percent must be designated to fund prison
130 and community-based programs designed to counter recidivism
131 through education, therapeutic intervention, maintenance of
132 family and social networks, restorative practices, and
133 successful post-custodial reentry to society.

134 (c) Twenty-five percent must be designated to fund the
135 staffing of dedicated personnel in the offices of the
136 commission.

137 Section 2. This act shall take effect July 1, 2026.