

Recommendations to expand gain time

*Denotes analysis paid for by Florida Legislature.

2015

Reason Foundation, Policy Study No. 444, *The High Cost of Incarceration in Florida: Recommendations for Reform* (April 2015), at 25.

“Another recommendation for Florida legislators to pursue would be to eliminate the requirement that all offenders must serve 85% of their sentences, and instead allow them to earn additional gain-time credits through programs that prepare them for release. . . . Allowing inmates to earn more incentive gain-time credits would encourage them to participate in more rehabilitative programming while incarcerated, thereby reducing the chances that they will recidivate upon release. More importantly, it would free up prison space and resources for more serious offenders.”

***Office of Program Policy Analysis and Government Accountability, Florida Legislature, *Study of Operations of the Florida Department of Corrections* (Nov. 2015), at 99.**

“RECOMMENDATION 41: To enhance the potential for CINAS [Corrections Integrated Needs Assessment System] to have an impact on recidivism rates, gain time incentives are needed to reward inmates who participate and complete risk-reducing programs.”

2016

Florida TaxWatch, *Lower Costs & Less Crime: Criminal and Juvenile Justice Reform Options for Florida* (May 2016), at 15.

“Recommendation 7: The Legislature should amend its 1995 changes to the gain time law and raise the cap on maximum accruable gain time for nonviolent offenders.”

2017

***Felicity Rose, Colby Dawley, Yamanda Wright & Len Engel, Crime and Justice Institute, *An Examination of Florida’s Prison Population Trends* (May 2017), at 55.**

“Key Findings

- All offenders sentenced after October 1, 1995 must serve at least 85 percent of their sentence behind bars
- Those with mandatory sentences cannot begin earning gain-time until they have completed the mandatory portion, reducing their incentive to participate in programming
- The statutory time served requirements have led to long lengths of stay in prison compared to national averages

- Length of stay in prison has grown for all offense types in the last decade, including in cases where the number of admissions was steady or growing”

***Len Engel, Crime and Justice Institute, *Criminal Justice Policy Analysis* presented to the Florida Senate Appropriations Subcommittee on Criminal and Civil Justice (Dec. 2017), at 37.**

“Florida Release Options

- Expand gain time eligibility to all inmates eligible for release
- Increase gain time awards to incentivize program completion and move offenders to community-based programming earlier”

2018

***Len Engel & Maura McNamara, Crime and Justice Institute, *Data-Driven Solutions to Improve Florida’s Criminal Justice System* (Feb. 2018), at 26-27.**

“Recommendation 11: Expand availability of prison credit options to incentivize inmates to participate in programming from the start of their prison sentence

Under current law, the only way for inmates to reduce the time they serve in prison is through “gain time.”⁶⁸ Inmates are permitted to accrue gain time in an amount of 10 days per month. They may earn one-time allotments of gain time for educational achievements and meritorious deeds (up to 60 days) but are not permitted to apply gain time to the mandatory portion of a sentence. Many inmates convicted of certain offenses are ineligible to earn gain time and therefore must serve 100 percent of the sentence. In no case can gain time reduce the sentence below the 85 percent threshold. This requirement creates little incentive for inmates to engage in programming or treatment services.

Recommendations:

- a. Permit individuals serving nonviolent offenses with mandatory terms to apply gain time to the mandatory portion of the sentence.
- b. Allow individuals not serving a life sentence or a death sentence to be eligible for gain time.
- c. Allow individuals serving nonviolent offenses to reduce prison time below 85 percent through earned gain time and serve the remainder of the sentence under community supervision or in a community release center.”

2019

***Florida Legislature Office of Economic and Demographic Research, Criminal Justice Estimating Conference, *Analysis of provisions of CS/CS/SB 642 (2019)* (April 17, 2019), at 21.**

“Changing Percent of Sentence that Must Be Served by Nonviolent Offenders – Retroactive
October 1, 2019 Effective Date

The Criminal Justice Estimating Conference met on 4/22/2019 and estimated the following net impact on the inmate population over the next five years:

a	b	c	d
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	FUNDS REQUIRED
			Annual Operating Costs
2019-2020	-7,596	-7,596	(\$73,963,151)
2020-2021	-8,833	-1,237	(\$174,234,039)
2021-2022	-9,121	-288	(\$186,834,364)
2022-2023	-9,209	-88	(\$210,033,909)
2023-2024	-9,209	0	(\$215,368,751)
Total	-9,209	-9,209	(\$860,434,214)