

Committee on Judiciary

CS/SB 1656 — Criminal Statutes

by Criminal Justice Committee and Senators Lee and Rouson

This bill creates a savings statute for criminal laws which provides that, unless expressly intended by the Legislature, an amendment, reenactment, or revision of a criminal statute does not affect or abate:

- The prior operation of the statute or a prosecution or enforcement under the statute;
- A violation of the statute based on any act or omission occurring before the effective date of the act; or
- A prior penalty, forfeiture, or punishment incurred or imposed under the statute.

However, the bill also provides that a reenactment or amendment of a criminal statute which reduces a penalty, forfeiture, or punishment must be applied retroactively in a case in which a penalty, forfeiture, or punishment has not been imposed.

Finally, the bill provides that new defenses will be available to a defendant through the appellate process unless the defendant's conviction was affirmed before the new defense took effect.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-1; House 110-4