

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

SB 280 — Sentencing for Capital Felonies

by Senators Bracy and Bradley

The bill (Chapter 2017-1, L.O.F.) amends the death penalty sentencing statutes to require jury unanimity in death penalty sentencing procedures.

In October 2016, the Florida Supreme Court determined in *Hurst v. State*, 202 So. 3d 40 (Fla. 2016), that in order for the death penalty to be lawfully imposed the sentencing phase jury must vote unanimously for a death sentence.

The *Hurst* ruling was applied to Chapter 2016-13, L.O.F., the death penalty sentencing statutes challenged in *Perry v. State*, 41 Fla. L. Weekly S 449 (Fla. 2016). The court concluded that the 2016 statutes could not be applied in pending prosecutions “because the Act requires that only ten jurors, rather than all twelve, recommend a final sentence of death for death to be imposed.” *Perry v. State*, 41 Fla. L. Weekly S 449 (Fla. 2016).

The bill amends ss. 921.141 and 921.142, F.S., to require unanimity in the jury vote for death in order to bring death penalty sentencing procedures into conformity with the constitutional requirements announced by the court in the *Hurst* and *Perry* opinions.

These provisions were approved by the Governor and take effect March 13, 2017.

Vote: Senate 37-0; House 112-3