

By Senator Gutman

34-1005-98

1 A bill to be entitled
2 An act relating to habitual violent felony
3 offenders; amending s. 775.084, F.S.;
4 authorizing the court to sentence a defendant
5 to an extended term of imprisonment as a
6 habitual violent felony offender if the
7 defendant has previously been convicted of
8 lewd, lascivious, or indecent conduct or of any
9 attempt or conspiracy to commit such offense;
10 providing an effective date.

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

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14 Section 1. Paragraph (b) of subsection (1) of section
15 775.084, Florida Statutes, is amended to read:

16 775.084 Violent career criminals; habitual felony
17 offenders and habitual violent felony offenders; definitions;
18 procedure; enhanced penalties.--

19 (1) As used in this act:

20 (b) "Habitual violent felony offender" means a
21 defendant for whom the court may impose an extended term of
22 imprisonment, as provided in paragraph (4)(b), if it finds
23 that:

24 1. The defendant has previously been convicted of a
25 felony or an attempt or conspiracy to commit a felony and one
26 or more of such convictions was for:

- 27 a. Arson;
- 28 b. Sexual battery;
- 29 c. Robbery;
- 30 d. Kidnapping;
- 31 e. Aggravated child abuse;

- 1 f. Aggravated abuse of an elderly person or disabled
2 adult;
- 3 g. Aggravated assault;
- 4 h. Murder;
- 5 i. Manslaughter;
- 6 j. Aggravated manslaughter of an elderly person or
7 disabled adult;
- 8 k. Aggravated manslaughter of a child;
- 9 l. Unlawful throwing, placing, or discharging of a
10 destructive device or bomb;
- 11 m. Armed burglary;
- 12 n. Aggravated battery; ~~or~~
- 13 o. Aggravated stalking; ~~or~~
- 14 p. Lewd, lascivious, or indecent conduct, as described
15 in s. 800.04.
- 16 2. The felony for which the defendant is to be
17 sentenced was committed:
- 18 a. While the defendant was serving a prison sentence
19 or other commitment imposed as a result of a prior conviction
20 for an enumerated felony; or
- 21 b. Within 5 years of the date of the conviction of the
22 last prior enumerated felony, or within 5 years of the
23 defendant's release from a prison sentence or other commitment
24 imposed as a result of a prior conviction for an enumerated
25 felony, whichever is later.
- 26 3. The defendant has not received a pardon on the
27 ground of innocence for any crime that is necessary for the
28 operation of this paragraph.
- 29 4. A conviction of a crime necessary to the operation
30 of this paragraph has not been set aside in any postconviction
31 proceeding.

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Section 2. This act shall take effect July 1, 1998.

SENATE SUMMARY

Redefines the term "habitual violent felony offender" so that the court may sentence a defendant to an extended term of imprisonment if the defendant has previously been convicted of committing, or attempting or conspiring to commit, a lewd, lascivious, or indecent act under s. 800.04, F.S.