

By the Committee on Judiciary and Senator Ostalkiewicz

308-2139-98

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A bill to be entitled
An act relating to husband and wife; creating
s. 741.2105, F.S.; prohibiting marriages
between persons when one of the persons has
been convicted of a capital felony for which a
death sentence has been imposed; providing an
exception; providing an effective date.

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

Section 1. Section 741.2105, Florida Statutes, is
created to read:

741.2105 Certain marriages prohibited.--No person may
marry another person when one of the parties to the proposed
marriage has been convicted of a capital felony and a death
sentence has been imposed with respect to such capital felony.
A marriage otherwise prohibited under this section may be
authorized, subject to the penological interests of the
Department of Corrections, which may authorize the marriage in
accordance with its procedures if a county court judge of any
county in this state, in his or her discretion, issues a
marriage license to such person. This prohibition to marriage
shall not apply if the death sentence has been overturned on
appeal, commuted to a life sentence, or clemency has been
granted by the Governor.

Section 2. This act shall take effect upon becoming a
law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1742

The Committee Substitute for Senate Bill 1742 adds the requirement that the marriage of a capital felon be approved by the Department of Corrections in accordance with its penological interests. Also, the Committee Substitute provides an opportunity for persons once sentenced to death to marry in the event the sentence is commuted or clemency is granted.