

Bill No. CS for SB 914

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Campbell moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 3, lines 22 through 25, delete those lines		
15			
16	and insert:		
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18	<u>retardation, as defined in s. 916.016.</u>		
19	<u>1. If the court determines, by a preponderance of the</u>		
20	<u>evidence, that the defendant suffers from mental retardation,</u>		
21	<u>and has an IQ less than 55 the court shall sentence the</u>		
22	<u>defendant to life imprisonment.</u>		
23	<u>2. If the defendant is mentally retarded and has an IQ</u>		
24	<u>in the range 55-69, there is a rebuttable presumption created</u>		
25	<u>that the defendant will be sentenced to life imprisonment.</u>		
26	<u>This presumption can be rebutted if the jury unanimously</u>		
27	<u>recommends the imposition of a death sentence, and the</u>		
28	<u>sentencing judge in a written order gives specific, compelling</u>		
29	<u>reasons for rejecting mental retardation. The reasons must be</u>		
30	<u>established beyond a reasonable doubt by evidence admitted</u>		
31	<u>during the guilt or penalty phases of the case or sentencing</u>		

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1 proceeding. If the defendant is sentenced without a jury  
2 recommendation, the sentencing judge in a written order must  
3 give specific, compelling reasons for rejecting mental  
4 retardation. The reasons must be established beyond a  
5 reasonable doubt by evidence admitted during the guilt or  
6 penalty phases of the case or sentencing proceeding.

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8 The determination shall be made by the trial

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11 ===== T I T L E    A M E N D M E N T =====

12 And the title is amended as follows:

13        On page 1, line 7, after the semicolon

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15 insert:

16        providing guidelines for determining the

17        penalties to be imposed;

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