

Bill No. CS/CS/HB 113, 2nd Eng.

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
.  
.  
.  
.

---

Senator Webster moved the following substitute for amendment (821620):

**Senate Amendment (with title amendment)**

On page 13, between lines 22 and 23,

insert:

(4) For purposes of imposition of minimum mandatory sentencing provisions of this section, with respect to a firearm, the term "possession" is defined as carrying it on the person. Possession may also be proven by demonstrating that the defendant had the firearm within immediate physical reach with ready access with the intent to use the firearm during the commission of the offense, if proven beyond a reasonable doubt.

(5) In every case in which a law enforcement agency based a criminal charge on facts demonstrating that the defendant met the criteria in s. 775.087(2)(a)1., 2. and 3. or s. 775.087(3)(a)1., 2., and 3. and in which the defendant did not receive the mandatory penalty, the state attorney must place in the court file a memorandum explaining why the

Bill No. CS/CS/HB 113, 2nd Eng.

Amendment No. \_\_\_\_

1 minimum mandatory penalty was not imposed.

2

3

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

5 And the title is amended as follows:

6 On page 4, line 19, after the semicolon

7

8 and insert:

9 providing for application of the definition of

10 the term "possession"; requiring the state

11 attorney to place in court files certain

12 memoranda;

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31