

hbd-06

Bill No. CS/CS/HB 113

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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4		.	

ORIGINAL STAMP BELOW

10
11 Representative(s) Crist offered the following:

12
13 **Amendment**

14 On page 9, line 8, through page 13, line 5,
15 remove from the bill: all of said lines

16
17 and insert in lieu thereof:

18 (b) Subparagraph (a)1., subparagraph (a)2., or
19 subparagraph (a)3. does not prevent a court from imposing a
20 longer sentence of incarceration as authorized by law in
21 addition to the minimum mandatory sentence, or from imposing a
22 sentence of death pursuant to other applicable law.
23 Subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3.
24 does not authorize a court to impose a lesser sentence than
25 otherwise required by law.

26
27 Notwithstanding s. 948.01, adjudication of guilt or imposition
28 of sentence shall not be suspended, deferred, or withheld, and
29 the defendant is not eligible for statutory gain-time under s.
30 944.275 or any form of discretionary early release, other than
31 pardon or executive clemency, or conditional medical release

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1 under s. 947.149, prior to serving the minimum sentence.
 2 (c) If the minimum mandatory terms of imprisonment
 3 imposed pursuant to this section exceed the maximum sentences
 4 authorized by s. 775.082, s. 775.084, or the Criminal
 5 Punishment Code under chapter 921, then the mandatory minimum
 6 sentence must be imposed. If the mandatory minimum terms of
 7 imprisonment pursuant to this section are less than the
 8 sentences that could be imposed as authorized by s. 775.082,
 9 s. 775.084, or the Criminal Punishment Code under chapter 921,
 10 then the sentence imposed by the court must include the
 11 mandatory minimum term of imprisonment as required in this
 12 section.

13 (d) It is the intent of the Legislature that offenders
 14 who possess, carry, display, use, threaten to use, or attempt
 15 to use firearms or destructive devices be punished to the
 16 fullest extent of the law, and the minimum terms of
 17 imprisonment imposed pursuant to this subsection shall be
 18 imposed for each qualifying felony count for which the person
 19 is convicted. The court shall impose any term of imprisonment
 20 provided for in this subsection consecutively to any other
 21 term of imprisonment imposed for any other felony offense.

22 (3)(a)1. Any person who is convicted of a felony or an
 23 attempt to commit a felony, regardless of whether the use of a
 24 firearm is an element of the felony, and the conviction was
 25 for:

- 26 a.1. Murder;
- 27 b.2. Sexual battery;
- 28 c.3. Robbery;
- 29 d.4. Burglary;
- 30 e.5. Arson;
- 31 f.6. Aggravated assault;

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1 ~~g.7.~~ Aggravated battery;

2 ~~h.8.~~ Kidnapping;

3 ~~i.9.~~ Escape;

4 ~~j.10.~~ Sale, manufacture, delivery, or intent to sell,

5 manufacture, or deliver any controlled substance;

6 ~~k.11.~~ Aircraft piracy;

7 ~~l.12.~~ Aggravated child abuse;

8 ~~m.13.~~ Aggravated abuse of an elderly person or

9 disabled adult;

10 ~~n.14.~~ Unlawful throwing, placing, or discharging of a

11 destructive device or bomb;

12 ~~o.15.~~ Carjacking;

13 ~~p.16.~~ Home-invasion robbery; ~~or~~

14 ~~q.17.~~ Aggravated stalking; ~~or~~

15 r. Trafficking in cannabis, trafficking in cocaine,

16 capital importation of cocaine, trafficking in illegal drugs,

17 capital importation of illegal drugs, trafficking in

18 phencyclidine, capital importation of phencyclidine,

19 trafficking in methaqualone, capital importation of

20 methaqualone, trafficking in amphetamine, capital importation

21 of amphetamine, trafficking in flunitrazepam, or other

22 violation of s. 893.135(1);

23

24 and during the commission of the offense, or the flight

25 therefrom, such person possessed a semiautomatic firearm and

26 its high-capacity detachable box magazine or a machine gun as

27 defined in s. 790.001, shall be sentenced to a minimum term of

28 imprisonment of 15 & years.

29 2. Any person who is convicted of a felony or an

30 attempt to commit a felony listed in subparagraph (a)1.,

31 regardless of whether the use of a weapon is an element of the

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1 felony, and during the course of the commission of the felony
2 or the flight therefrom, such person discharged a
3 semiautomatic firearm and its high-capacity box magazine or a
4 "machine gun" as defined in s. 790.001 shall be sentenced to a
5 minimum term of imprisonment of 20 years.

6 3. Any person who is convicted of a felony or an
7 attempt to commit a felony listed in subparagraphs (a)1.,
8 regardless of whether the use of a weapon is an element of the
9 felony, and during the course of the commission of the felony
10 or the flight therefrom, such person discharged a
11 semiautomatic firearm and its high-capacity box magazine or a
12 "machine gun" as defined in s. 790.001 and, as the result of
13 the discharge, death or great bodily harm was inflicted upon
14 any person, the convicted person shall be sentenced to a
15 minimum term of imprisonment of not less than 25 years and not
16 more than a term of imprisonment of life in prison.

17 (b) Subparagraph (a)1., subparagraph (a)2., or
18 subparagraph (a)3. does not prevent a court from imposing a
19 longer sentence of incarceration as authorized by law in
20 addition to the minimum mandatory sentence, or from imposing a
21 sentence of death pursuant to other applicable law.
22 Subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3.
23 does not authorize a court to impose a lesser sentence than
24 otherwise required by law.

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26 Notwithstanding s. 948.01, adjudication of guilt or imposition
27 of sentence shall not be suspended, deferred, or withheld, and
28 the defendant is not eligible for statutory gain-time under s.
29 944.275 or any form of discretionary early release, other than
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31 under s. 947.149, prior to serving the minimum sentence.

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2 imposed pursuant to this section exceed the maximum sentences
3 authorized by s. 775.082, s. 775.084, or the Criminal
4 Punishment Code under chapter 921, then the mandatory minimum
5 sentence must be imposed. If the mandatory minimum terms of
6 imprisonment pursuant to this section are less than the
7 sentences that could be imposed as authorized by s. 775.082,
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