

## HOUSE MESSAGE SUMMARY

BILL: CS/CS/HB 113, 2nd Engrossed  
SPONSOR: Crime & Punishment, Corrections, Crist and others  
SUBJECT: Punishment of felons  
PREPARED BY: Senate Committee on Criminal Justice  
DATE: March 24, 1999

---

### I. Amendments Contained in Message

**House Amendment 1 (293277) to Senate Amendment 2 (821620)** (body with title)  
**House Amendment 2 (263529) to Senate Amendment 7 (555720)** (body with title)

### II. Summary of Amendments Contained in Message

#### **HOUSE HAS AMENDED SENATE AMENDMENT 2 AND CONCURRED IN THE SAME AS AMENDED AND REQUESTS THE CONCURRENCE OF THE SENATE**

##### **House Amendment 1 to Senate Amendment 2 (# 821620) (w/ title amendment)**

The House further refines the definition of “possession” of a firearm. In practical terms, the definition is identical to what the Senate’s original proposal was with the exception that the state would have to prove that the offender “intended” to use the firearm in constructive possession cases.

This amendment also reinserts language that was deleted by Sen. Webster on the floor. This language would require the *state attorney* to file a memorandum with the court in each case where *law enforcement alleged* facts that *demonstrated* that the defendant *met the criteria* of the minimum mandatory provisions of s. 775.087, F.S., and the *court did not impose* the minimum mandatory sentence.

#### **THE HOUSE HAS FURTHER AMENDED SENATE AMENDMENT 7 AND REQUESTS THE CONCURRENCE OF THE SENATE**

##### **House Amendment 2 to Senate Amendment 7 (555720) (w/ title amendment)**

The House refines the language that provides an exception to the imposition of the minimum mandatory provisions of s. 775.087, F.S. It is consistent with the intent if the original Senate amendment.

The amendment also provides authority for the Department of Corrections to utilize current fiscal year appropriations, up to \$500,000, to provide public service announcements advertising the penalties provided in this act.