

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Crist offered the following title amendment:

Amendment

In the title
remove from the bill: everything before the enacting clause
and insert in lieu thereof:

A bill to be entitled

An act relating to sentencing; creating the
"Three-Strike Violent Felony Offender Act";
amending s. 775.082, F.S.; redefining the term
"prison releasee reoffender"; revising
legislative intent; amending s. 775.084, F.S.,
relating to sentencing of habitual felony
offenders, habitual violent felony offenders,
and violent career criminals; redefining the
terms "habitual felony offender" and "habitual
violent felony offender"; revising the
alternative time periods within which the
habitual felony offender or habitual violent
felony offender could have committed the felony

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1 to be sentenced; providing that the felony to
2 be sentenced could have been committed either
3 while the defendant was serving a prison
4 sentence or other sentence, or within 5 years
5 of the defendant's release from a prison
6 sentence, probation, community control, or
7 other sentence, under specified circumstances
8 when the sentence was imposed as a result of a
9 prior conviction for a felony, enumerated
10 felony, or other qualified offense; removing
11 certain references to "commitment" and
12 otherwise conforming terminology; providing
13 that the placing of a person on probation
14 without an adjudication of guilt shall be
15 treated as a prior conviction regardless of
16 when the subsequent offense was committed;
17 defining "three-time violent felony offender";
18 providing a category of enumerated felony
19 offenses within the definition, including, but
20 not limited to, arson, sexual battery, robbery,
21 kidnapping, aggravated child abuse, aggravated
22 abuse of an elderly person or disabled adult,
23 aggravated assault, murder, manslaughter,
24 aggravated manslaughter of an elderly person or
25 disabled adult, aggravated manslaughter of a
26 child, unlawful throwing, placing, or
27 discharging of a destructive device or bomb,
28 armed burglary, aggravated battery, aggravated
29 stalking, or certain qualified offenses;
30 requiring the court to sentence a defendant as
31 a three-time violent felony offender and impose

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1 certain mandatory minimum terms of imprisonment
2 under specified circumstances when the
3 defendant is to be sentenced for committing, or
4 conspiring or attempting to commit, any of the
5 enumerated felony offenses and the defendant
6 has previously been convicted of committing, or
7 conspiring or attempting to commit, any two of
8 the enumerated felony offenses; providing
9 penalties; providing procedures and criteria
10 for court determination if the defendant is a
11 three-time violent felony offender; providing
12 for sentencing as a three-time violent felony
13 offender; providing mandatory term of
14 imprisonment for life when the three-time
15 violent felony offense for which the defendant
16 is to be sentenced is a felony punishable by
17 life; providing mandatory prison term of 30
18 years when the three-time violent felony
19 offense is a first degree felony; providing
20 mandatory prison term of 15 years when the
21 three-time violent felony offense is a second
22 degree felony; providing mandatory prison term
23 of 5 years when the three-time violent felony
24 offense is a third degree felony; providing for
25 construction; providing that certain sentences
26 imposed before July 1, 1999, are not subject to
27 s. 921.002, F.S., relating to the Criminal
28 Punishment Code; providing for ineligibility of
29 a three-time violent felony offender for
30 parole, control release, or early release;
31 amending ss. 784.07 and 784.08, F.S.; providing

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1 minimum terms of imprisonment for persons
2 convicted of aggravated assault or aggravated
3 battery of a law enforcement officer or a
4 person 65 years of age or older; amending s.
5 790.235, F.S., relating to prohibitions
6 against, and penalties for, unlawful possession
7 or other unlawful acts involving firearm,
8 electric weapon or device, or concealed weapon
9 by a violent career criminal; conforming cross
10 references to changes made by the act; creating
11 s. 794.0115, F.S.; defining "repeat sexual
12 batterer"; providing within the definition a
13 category of enumerated felony offenses in
14 violation of s. 794.011, F.S., relating to
15 sexual battery; requiring the court to sentence
16 a defendant as a repeat sexual batterer and
17 impose a 10-year mandatory minimum term of
18 imprisonment under specified circumstances when
19 the defendant is to be sentenced for
20 committing, or conspiring or attempting to
21 commit, any of the enumerated felony violations
22 of s. 794.011, F.S., and the defendant has
23 previously been convicted of committing, or
24 conspiring or attempting to commit, any one of
25 certain enumerated felony offenses involving
26 sexual battery; providing penalties; providing
27 procedures and criteria for court determination
28 if the defendant is a repeat sexual batterer;
29 providing for sentencing as a repeat sexual
30 batterer; providing for construction; amending
31 s. 794.011, F.S., to conform references to

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1 changes made by the act; amending s. 893.135,
2 F.S.; redefining the offense of trafficking in
3 cannabis to include unlawful sale, purchase,
4 manufacture, delivery, bringing into the state,
5 or possession of cannabis in excess of 25
6 pounds or 300 cannabis plants; providing
7 mandatory minimum prison terms and mandatory
8 fine amounts for trafficking in specified
9 quantities of cannabis, cocaine, or illegal
10 drugs; providing for sentencing pursuant to the
11 Criminal Punishment Code of offenders convicted
12 of trafficking in specified quantities of
13 cannabis; providing penalties; reenacting s.
14 397.451(7), F.S., relating to the prohibition
15 against dissemination of state funds to service
16 providers convicted of certain offenses, s.
17 782.04(4)(a), F.S., relating to murder, s.
18 893.1351(1), F.S., relating to lease or rent
19 for the purpose of trafficking in a controlled
20 substance, s. 903.133, F.S., relating to the
21 prohibition against bail on appeal for certain
22 felony convictions, s. 907.041(4)(b), F.S.,
23 relating to pretrial detention and release, s.
24 921.0022(3)(g), (h), and (i), F.S., relating to
25 the Criminal Punishment Code offense severity
26 ranking chart, s. 921.0024(1)(b), F.S.,
27 relating to the Criminal Punishment Code
28 worksheet computations and scoresheets, s.
29 921.142(2), F.S., relating to sentencing for
30 capital drug trafficking felonies, s. 943.0585,
31 F.S., relating to court-ordered expunction of

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1 criminal history records, and s. 943.059, F.S.,
2 relating to court-ordered sealing of criminal
3 history records, to incorporate said amendment
4 in references; amending s. 943.0535, F.S.,
5 relating to aliens and criminal records;
6 requiring clerk of the courts to furnish
7 criminal records to United States immigration
8 officers; requiring state attorney to assist
9 clerk of the courts in determining which
10 defendants are aliens; requiring the Governor
11 to place public service announcements
12 explaining the provisions of this act;
13 providing an effective date.

14
15 WHEREAS, in 1996, Florida had the highest violent crime
16 rate of any state in the nation, exceeding the national
17 average by 66 percent, and

18 WHEREAS, although this state possessed the highest
19 state violent crime rate in 1996 in the nation, the
20 incarceration rate in this state in 1996 was less than the
21 incarceration rate in at least eleven other states, all of
22 which had a lower violent crime rate than the rate in this
23 state, and

24 WHEREAS, since 1988, criminals in this state have
25 committed at least 1.6 million violent crimes against
26 Floridians and visitors to this state, and

27 WHEREAS, the per capita violent crime rate has
28 increased 86 percent in this state in the last 25 years, and

29 WHEREAS, in fiscal year 1996-1997, over 16,000 violent
30 felons in this state were sentenced to probation, community
31 control, and other punishments that did not incarcerate the

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1 violent felon for the maximum prison term authorized by law,
2 and

3 WHEREAS, during that same fiscal year, less than 9,900
4 violent felons were sentenced to prison, while during that
5 same period criminals committed approximately 150,000 violent
6 felonies, and

7 WHEREAS, in this state, as of June 30, 1997, more
8 violent felons were on probation, community control, control
9 release, or parole, than were in state prison, and

10 WHEREAS, in 1997, only 15.6 percent of all persons
11 convicted of a felony were sentenced to state prison, the
12 second lowest rate of incarcerated felons since 1984, and

13 WHEREAS, the rate of incarcerated felons has declined
14 seven out of the last eight years, and

15 WHEREAS, since fiscal year 1993-1994, the per capita
16 prison population rate in this state has increased 10 percent
17 and the proportion of violent offenders incarcerated in state
18 prison has increased 5 percent, and

19 WHEREAS, since 1995, the Florida Legislature has
20 enacted stronger criminal punishment laws, including requiring
21 all prisoners to serve 85 percent of their court-imposed
22 sentences, and

23 WHEREAS, since 1994, the violent crime rate in this
24 state has decreased 9.8 percent, and

25 WHEREAS, the Legislature previously has found that a
26 substantial and disproportionate number of serious crimes are
27 committed in this state by a relatively small number of repeat
28 and violent felony offenders, that priority should be given to
29 the incarceration of career criminals for extended prison
30 terms, and that, in the case of violent career criminals, such
31 extended terms must include substantial minimum terms of

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1 imprisonment, and

2 WHEREAS, as of June 30, 1997, only 71 designated
3 "violent career criminals" have been sentenced to mandatory
4 prison terms, out of a prison population of over 65,000 state
5 inmates; and this number does not approach the true number of
6 repeat violent felony offenders in this state, and

7 WHEREAS, to be sentenced as a "violent career
8 criminal," a felon must be convicted of at least four violent,
9 forcible, or serious felonies and must have served a prison
10 term, and

11 WHEREAS, current law does not require the courts to
12 impose mandatory prison terms on violent felons who commit
13 three violent felonies, and these three-time violent felony
14 offenders should be sentenced to mandatory maximum prison
15 terms to protect citizens of this state and visitors, and

16 WHEREAS, studies such as the recent report issued by
17 the National Center for Policy Analysis, "Does punishment
18 deter?", indicate that recent crime rates have declined
19 because of the increasing number of incarcerated felons, and

20 WHEREAS, since California enacted "three strike"
21 legislation in 1994 that requires courts to impose mandatory
22 prison terms on repeat felony offenders convicted of three
23 serious crimes, that state has experienced significant
24 reductions in violent crime, and overall crime rates, and

25 WHEREAS, a study by the RAND Corporation estimates that
26 the enforcement of this California legislation will reduce
27 serious crime in California committed by adults between 22 and
28 34 percent, and

29 WHEREAS, the enactment and enforcement of legislation
30 in Florida that requires courts to impose mandatory prison
31 terms on three-time violent felony offenders will improve

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1 public safety by incapacitating repeat offenders who are most
2 likely to murder, rape, rob, or assault innocent victims in
3 our communities, and

4 WHEREAS, imposing mandatory prison terms on three-time
5 violent felony offenders will prevent such offenders from
6 committing more crimes in our communities, and likely
7 accelerate recent declines in the violent crime rate in this
8 state, NOW, THEREFORE,

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