

hbd-31

Bill No. CS for HB 1-A

Amendment No. \_\_\_\_ (for drafter's use only)

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

ORIGINAL STAMP BELOW

11 Representative(s) Wiles, Boyd, and Turnbull offered the  
 12 following:

**Amendment (with title amendment)**

On page 35, between lines 20 and 21,

insert:

18 Section 19. If a court finds that a defendant has  
 19 mental retardation, as the term "retardation" is defined in  
 20 section 393.063(44), Florida Statutes, and that the defendant  
 21 met that definition of retardation at the time of commission  
 22 of the offense, the defendant may not be sentenced to death.  
 23 The burden of production and persuasion to demonstrate mental  
 24 retardation by a preponderance of the evidence is upon the  
 25 defendant. The court may excuse the requirements for  
 26 documentation under this section if the court finds that  
 27 extraordinary circumstances exist. The defendant must file  
 28 before trial a petition alleging that the defendant has mental  
 29 retardation. When a defendant files a petition under this  
 30 section, the court must order an evaluation of the defendant  
 31 by a competent psychologist for the purpose of providing

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1 evidence of retardation.

2

3 (Redesignate subsequent sections.)

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

7 And the title is amended as follows:

8 On page 2, line 27, after the first semicolon

9

10 insert:

11 prohibiting the imposition of the death  
12 sentence on a defendant who has mental  
13 retardation at the time of commission of the  
14 offense; defining the term "retardation";  
15 providing procedures;

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