

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

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

11 Representative(s) Heyman offered the following:

13 **Amendment (with title amendment)**

14 On page 34, line 24 through page 35, line 20 of the
15 bill

16 remove from the bill: all of said lines

18 and insert in lieu thereof:

20 Section 18. Section 924.395, Florida Statutes, is
21 created to read:

22 924.395 Sanctions.--

23 (1) The Legislature strongly encourages the courts,
24 through their inherent powers and pursuant to this section, to
25 impose sanctions against any person over whom the court has
26 jurisdiction, who are found by a court, in a capital
27 postconviction proceeding or appeal therefrom, to have:

28 (a) Abused a petition for extraordinary relief,
29 postconviction motion, or appeal therefrom;

30 (b) Raised a claim that a court has found to be
31 frivolous or procedurally barred or that should have been

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- 1 raised on the direct appeal;
- 2 (c) Adversely affected the orderly administration of
- 3 justice; or
- 4 (d) Improperly withheld evidence or testimony.
- 5 (2) Sanctions the court may and should consider, when
- 6 applicable and appropriate in a case, include, but are not
- 7 limited to:
- 8 (a) Dismissal of a pleading;
- 9 (b) Disciplinary sanctions;
- 10 (c) A fine; and
- 11 (d) Any other sanction that is available to the court
- 12 under its inherent powers.

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

16 And the title is amended as follows:

17 On page 2, lines 26 through 27,
18 remove from the title of the bill: all of said lines
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20 and insert in lieu thereof:
21 providing for sanctions; providing for
22 severability;

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