

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) L. Miller, C. Smith, Bloom, Wilson, Hill and  
12 Chestnut offered the following:

14 **Amendment (with title amendment)**

15 On page 17, line 30 of the bill  
16 remove from the bill:

17 . For the purposes of this

19 and insert:

21 , except that a postconviction claim that race was the basis  
22 of the decision to seek a death sentence may be established if  
23 the court finds that race was a significant factor in  
24 decisions to seek the sentence of death in the state of  
25 Florida at the time the death sentence was sought.

26 1. Evidence relevant to support finding that race was  
27 the basis of the decision to seek a death sentence may include  
28 statistical evidence and other evidence that death sentences  
29 were sought more frequently upon persons of one race than upon  
30 persons of another race; or as punishment for capital offenses  
31 against persons of one race than as punishment for capital

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1 offenses against persons of another race.

2           2. The defendant shall state with particularity how  
3 the evidence supports a claim that racial considerations  
4 played a significant part in the decision to seek a death  
5 sentence in his or her case. The claim need not be raised by  
6 the defendant at the pre-trial conference. The court shall  
7 schedule a hearing on the claim and shall prescribe a time for  
8 the submission of evidence by both parties. If the court  
9 finds that race was the basis for the decision to seek the  
10 death sentence, the court shall order that a death sentence  
11 shall not be sought.

12           3. The defendant has the burden of proving by clear  
13 and convincing evidence that race was the basis of the  
14 decision to seek the death penalty. The state may offer  
15 evidence in rebuttal of the claims or evidence of the  
16 defendant.

17           4. If the defendant is successful in showing that the  
18 imposition of his or her death sentence was based, in whole or  
19 in part, on his or her race, the death sentence shall be  
20 commuted to life in prison.

21  
22 For the purposes of this

23  
24  
25 ===== T I T L E    A M E N D M E N T =====

26 And the title is amended as follows:

27           On page 1, line 11 after "actions"

28  
29 insert:

30           and exception

31