

Bill No. SB 12-A

Amendment No. ____

| | | |
|---------------|----------------|--------------|
| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
|---------------|----------------|--------------|

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.

Senators Meek, Hargrett, Dyer, Holzendorf, Campbell, and Jones moved the following amendment:

Senate Amendment (with title amendment)

On page 35, between lines 8 and 9,

insert:

Section 19. (1) This section may be cited as the Florida Racial Justice Act.

(2) A person may not be given a sentence of death which was sought on the basis of race.

(3) A finding that race was the basis of a decision to seek a death sentence may be established if the court finds that race was a significant factor in decisions to seek the sentence of death in this state at the time the death sentence was sought.

(4) Evidence relevant to establish a finding that race was the basis of the decision to seek a death sentence may include statistical evidence and other evidence that death sentences were sought more frequently:

(a) Upon persons of one race than upon persons or

Bill No. SB 12-A

Amendment No. ____

1 another race; or

2 (b) As punishment for capital offenses against persons
3 of one race than as punishment for capital offenses against
4 persons of another race.

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

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

19 (7) This section applies only to sentences imposed
20 after the effective date of this act.

21
22 (Redesignate subsequent sections.)

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 2, line 29, after the semicolon

28
29 insert:

30 prohibiting the imposition of death sentences
31 sought on the basis of race; providing

Bill No. SB 12-A

Amendment No. ____

1 standards and evidentiary guidelines for
2 finding that a sentence was sought on the basis
3 of race; providing procedural guidelines and
4 providing burden of proof standards; providing
5 applicability;
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31