

1 A bill to be entitled
2 An act relating to sentencing; amending s.
3 775.082, F.S.; redefining the term "prison
4 releasee reoffender" to include a defendant who
5 commits certain felonies within a specified
6 period after being released from a correctional
7 institution outside the state or while escaped
8 from a correctional institution outside the
9 state; providing requirements for sentencing a
10 defendant if the state attorney proves by a
11 preponderance of the evidence that the
12 defendant is a prison releasee reoffender;
13 providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (a) of subsection (9) of section
18 775.082, Florida Statutes, is amended to read:

19 775.082 Penalties; applicability of sentencing
20 structures; mandatory minimum sentences for certain
21 reoffenders previously released from prison.--

22 (9)(a)1. "Prison releasee reoffender" means any
23 defendant who commits, or attempts to commit:

- 24 a. Treason;
- 25 b. Murder;
- 26 c. Manslaughter;
- 27 d. Sexual battery;
- 28 e. Carjacking;
- 29 f. Home-invasion robbery;
- 30 g. Robbery;
- 31 h. Arson;

- 1 i. Kidnapping;
2 j. Aggravated assault with a deadly weapon;
3 k. Aggravated battery;
4 l. Aggravated stalking;
5 m. Aircraft piracy;
6 n. Unlawful throwing, placing, or discharging of a
7 destructive device or bomb;
8 o. Any felony that involves the use or threat of
9 physical force or violence against an individual;
10 p. Armed burglary;
11 q. Burglary of an occupied structure or dwelling; or
12 r. Any felony violation of s. 790.07, s. 800.04, s.
13 827.03, or s. 827.071;
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15 within 3 years after ~~of~~ being released from a state
16 correctional facility operated by the Department of
17 Corrections or a private vendor or within 3 years after being
18 released from a correctional institution of another state, the
19 District of Columbia, the United States, any possession or
20 territory of the United States, or any foreign jurisdiction
21 following incarceration for an offense for which the sentence
22 imposed exceeded 1 year.
23 2. "Prison releasee reoffender" also means any
24 defendant who commits or attempts to commit any offense listed
25 in subparagraph (a)1.a.-r. while the defendant was serving a
26 prison sentence or on escape status from a state correctional
27 facility operated by the Department of Corrections or a
28 private vendor or while the defendant was on escape status
29 from a correctional institution of another state, the District
30 of Columbia, the United States, any possession or territory of
31 the United States, or any foreign jurisdiction following

1 incarceration for an offense for which the sentence imposed
2 exceeded 1 year.

3 3. If the state attorney determines that a defendant
4 is a prison releasee reoffender as defined in subparagraph 1.,
5 the state attorney may seek to have the court sentence the
6 defendant as a prison releasee reoffender. Upon proof from the
7 state attorney that establishes by a preponderance of the
8 evidence that a defendant is a prison releasee reoffender as
9 defined in this section, such defendant is not eligible for
10 sentencing under the sentencing guidelines and must be
11 sentenced as follows:

12 a. For a felony punishable by life, by a term of
13 imprisonment for life;

14 b. For a felony of the first degree, by a term of
15 imprisonment of 30 years;

16 c. For a felony of the second degree, by a term of
17 imprisonment of 15 years; and

18 d. For a felony of the third degree, by a term of
19 imprisonment of 5 years.

20 Section 2. This act shall take effect July 1, 2001.

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23 SENATE SUMMARY

24 Redefines the term "prison releasee reoffender" to
25 include a defendant who is incarcerated in a jurisdiction
26 outside the state for an offense for which the sentence
27 exceeded 1 year and who commits certain felonies within 3
28 years after being released or while escaped from the
29 correctional institution. Requires that the court impose
30 certain mandatory minimum terms of imprisonment outside
31 the sentencing guidelines if the state attorney proves by
a preponderance of the evidence that the defendant is a
prison releasee reoffender.