

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 a dwelling or burglary of an occupied  
12 structure or dwelling; or  
13 r. Any felony violation of s. 790.07, s. 800.04, s.  
14 827.03, or s. 827.071;  
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16 within 3 years after ~~of~~ being released from a state  
17 correctional facility operated by the Department of  
18 Corrections or a private vendor or within 3 years after being  
19 released from a correctional institution of another state, the  
20 District of Columbia, the United States, any possession or  
21 territory of the United States, or any foreign jurisdiction,  
22 following incarceration for an offense for which the sentence  
23 is punishable by more than 1 year in this state.  
24 2. "Prison releasee reoffender" also means any  
25 defendant who commits or attempts to commit any offense listed  
26 in subparagraph (a)1.a.-r. while the defendant was serving a  
27 prison sentence or on escape status from a state correctional  
28 facility operated by the Department of Corrections or a  
29 private vendor or while the defendant was on escape status  
30 from a correctional institution of another state, the District  
31 of Columbia, the United States, any possession or territory of

1 the United States, or any foreign jurisdiction, following  
2 incarceration for an offense for which the sentence is  
3 punishable by more than 1 year in this state.

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

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

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

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

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

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

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