

By the Committee on Criminal Justice and Senator Crist

307-1946-01

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A bill to be entitled

An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 17 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

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

Section 1. Section 921.1415, Florida Statutes, is created to read:

921.1415 Sentence of death; minimum age requirement.--The death sentence is an authorized punishment for persons who are 17 years of age or older at the time of the commission of a capital crime. However, notwithstanding any other provision of this chapter, the death sentence is not an authorized punishment for any person who, at the time of the commission of the crime, was less than 17 years of age.

Section 2. Subsection (1) of section 775.082, Florida Statutes, is amended to read:

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

(1) A court shall sentence a person to life imprisonment without possibility of parole if such person is convicted of a capital felony committed when such person was less than 17 years of age.A person who has been convicted of a capital felony committed when such person was 17 years of age or older shall be sentenced to ~~punished by~~ death if the proceeding held to determine sentence according to the

1 procedure set forth in s. 921.141 results in findings by the
2 court that such person shall be sentenced to ~~punished by~~
3 death, otherwise such person shall be sentenced to ~~punished by~~
4 life imprisonment without possibility of ~~and shall be~~
5 ~~ineligible for~~ parole.

6 Section 3. This act shall take effect upon becoming a
7 law.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 812

- 12 - Provides that no person 16 years of age or younger when
13 he or she committed a capital crime may be sentenced to
14 death. The penalty for such person is life imprisonment
without possibility of parole (as provided in current
law).
- 15 - Provides that a person 17 years of age or older when he
16 or she committed a capital crime may be sentenced to
17 death. If such person is not sentenced to death, the
penalty is life imprisonment without possibility of
parole (as provided in current law).
- 18 - Provides that the act takes effect upon becoming law.