

By Senator Smith

5-543-01

1 A bill to be entitled
2 An act relating to misdemeanor convictions;
3 amending s. 775.082, F.S.; defining the term
4 "habitual misdemeanor offender" to mean a
5 defendant who is convicted of a certain number
6 of misdemeanors within a specified period;
7 authorizing the court to sentence a habitual
8 misdemeanor offender to an extended term of
9 imprisonment; prohibiting the court from
10 sentencing a defendant as a habitual
11 misdemeanor offender if the defendant is
12 subject to a more severe penalty as a result of
13 reclassifying a qualifying offense; providing
14 an effective date.

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

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18 Section 1. Present subsection (10) of section 775.082,
19 Florida Statutes, is redesignated as subsection (11), and a
20 new subsection (10) is added to that section, to read:
21 775.082 Penalties; applicability of sentencing
22 structures; mandatory minimum sentences for certain
23 reoffenders previously released from prison.--

24 (10)(a) The term "habitual misdemeanor offender" means
25 a defendant who is convicted of five or more misdemeanors
26 within a 12-month period.

27 (b) If the court finds that a defendant convicted of a
28 misdemeanor has been convicted, as an adult, of four or more
29 additional misdemeanors on separate occasions within the
30 previous 12-month period, the court may sentence the defendant
31 as a habitual misdemeanor offender and impose an extended term

1 of imprisonment of 1 year. However, the court may not sentence
2 a defendant under this subsection if the defendant is subject
3 to a more severe penalty as a result of reclassifying as a
4 felony the current offense or a prior qualifying misdemeanor.

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

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8 SENATE SUMMARY

9 If a defendant is convicted of five or more misdemeanors
10 within a 12-month period, authorizes the court to
11 sentence the defendant as a "habitual misdemeanor
12 offender" and impose a sentence of 1 year. Provides that
13 the court may not sentence a defendant as a habitual
14 misdemeanor offender if the defendant is subject to a
15 more severe penalty as a result of reclassifying a
16 qualifying offense as a felony.
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