

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.

15

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

17

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.

6

7                 \*\*\*\*\*

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.

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31