

By Senator Crist

13-953-02

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

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

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

13 921.1415 Sentence of death; minimum age
14 requirement.--The death sentence is an authorized punishment
15 for persons who are 17 years of age or older at the time of
16 the commission of a capital crime. However, notwithstanding
17 any other provision of this chapter, the death sentence is not
18 an authorized punishment for any person who, at the time of
19 the commission of the crime, was less than 17 years of age.

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

22 775.082 Penalties; applicability of sentencing
23 structures; mandatory minimum sentences for certain
24 reoffenders previously released from prison.--

25 (1) A court shall sentence a person to life
26 imprisonment without possibility of parole if such person is
27 convicted of a capital felony committed when such person was
28 less than 17 years of age.A person who has been convicted of
29 a capital felony committed when such person was 17 years of
30 age or older shall be sentenced to ~~punished by~~ death if the
31 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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SENATE SUMMARY

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Prohibits sentencing a person to death if the person is convicted of a capital crime committed when the person was younger than 17 years of age. Provides for a person to be sentenced to life imprisonment without possibility of parole if the person is convicted of a capital felony committed when such person was younger than 17 years of age.