

By the Committees on Appropriations; Criminal Justice; and
Senator Cowin

309-2439-03

1 A bill to be entitled
 2 An act relating to sexual offenders; amending
 3 s. 794.0115, F.S.; providing a short title;
 4 defining a dangerous sexual felony offender;
 5 providing mandatory sentencing for such
 6 offenders; providing an effective date.

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

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10 Section 1. Section 794.0115, Florida Statutes, is
11 amended to read:

12 (Substantial rewording of section. See
13 s. 794.0115, F.S., for present text.)

14 794.0115 Dangerous sexual felony offender; mandatory
15 sentencing.--

16 (1) This section may be cited as the "Dangerous Sexual
17 Felony Offender Act."

18 (2) Any person who is convicted of a violation of s.
19 787.025; s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or
20 (5); s. 827.071(2), (3), or (4); s. 825.1025(2) or (3); or s.
21 847.0145; or of any similar offense under a former
22 designation, which offense the person committed when he or she
23 was 18 years of age or older, and the person:

24 (a) Caused serious personal injury to the victim as a
25 result of the commission of the offense;

26 (b) Used or threatened to use a deadly weapon during
27 the commission of the offense;

28 (c) Victimized more than one person during the course
29 of the criminal episode applicable to the offense;

30 (d) Committed the offense while under the jurisdiction
31 of a court for a felony offense under the laws of this state,

1 for an offense that is a felony in another jurisdiction, or
2 for an offense that would be a felony if that offense were
3 committed in this state; or
4 (e) Has previously been convicted of a violation of s.
5 787.025; s. 794.011(2), (3), (4), (5), or (8); s. 800.04(4) or
6 (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or (4); s.
7 847.0145; of any offense under a former statutory designation
8 which is similar in elements to an offense described in this
9 subparagraph; or of any offense that is a felony in another
10 jurisdiction, or would be a felony if that offense were
11 committed in this state, and which is similar in elements to
12 an offense described in this subparagraph,
13
14 is a dangerous sexual felony offender, who must be sentenced
15 to a mandatory minimum term of 25 years imprisonment up to,
16 and including, life imprisonment.
17 (3) "Serious personal injury" means great bodily harm
18 or pain, permanent disability, or permanent disfigurement.
19 (4) The offense described in subsection (2) which is
20 being charged must have been committed after the date of
21 commission of the last prior conviction for an offense that is
22 a prior conviction described in paragraph (2)(e).
23 (5) It is irrelevant that a factor listed in paragraph
24 (2) is an element of an offense described in that paragraph.
25 It is also irrelevant that such an offense was reclassified to
26 a higher felony degree under s. 794.023 or any other law.
27 (6) Notwithstanding s. 775.082(3), chapter 958, any
28 other law, or any interpretation or construction thereof, a
29 person subject to sentencing under this section must be
30 sentenced to the mandatory term of imprisonment provided under
31 this section. If the mandatory minimum term of imprisonment

1 imposed under this section exceeds the maximum sentence
2 authorized under s. 775.082, s. 775.084, or chapter 921, the
3 mandatory minimum term of imprisonment under this section must
4 be imposed. If the mandatory minimum term of imprisonment
5 under this section is less than the sentence that could be
6 imposed under s. 775.082, s. 775.084, or chapter 921, the
7 sentence imposed must include the mandatory minimum term of
8 imprisonment under this section.

9 (7) A defendant sentenced to a mandatory minimum term
10 of imprisonment under this section is not eligible for
11 statutory gain-time under s. 944.275 or any form of
12 discretionary early release, other than pardon or executive
13 clemency, or conditional medical release under s. 947.149,
14 before serving the minimum sentence.

15 Section 2. This act shall take effect July 1, 2003.

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 CS for SB 2172

20 The Committee Substitute narrows a statutory cross reference
21 to only include subsections (2) and (3) of section 825.1025,
22 Florida Statutes.
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