



HB 0159A

2003

1 A bill to be entitled

2 An act relating to death sentence proceedings; amending s.
3 922.07, F.S.; modifying circumstances under which the
4 Governor must stay execution of the sentence of death;
5 providing for construction of the act in pari materia with
6 laws enacted during the 2003 Regular Session of the
7 Legislature; 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. Subsection (1) of section 922.07, Florida
12 Statutes, is amended to read:

13 922.07 Proceedings when person under sentence of death
14 appears to be insane.--

15 (1) At any time when the Governor determines, or when the
16 Governor is informed no later than 48 hours prior to a scheduled
17 execution, that a person under sentence of death may be insane,
18 the Governor shall stay execution of the sentence and appoint a
19 commission of three psychiatrists to examine the convicted
20 person. The Governor shall notify the psychiatrists in writing
21 that they are to examine the convicted person to determine
22 whether he or she understands the nature and effect of the death
23 penalty and why it is to be imposed upon him or her. The
24 examination of the convicted person shall take place with all
25 three psychiatrists present at the same time. Counsel for the
26 convicted person and the state attorney may be present at the
27 examination. If the convicted person does not have counsel, the
28 court that imposed the sentence shall appoint counsel to
29 represent him or her.

30 Section 2. If any law amended by this act was also amended



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31 by a law enacted at the 2003 Regular Session of the Legislature,
32 such laws shall be construed as if they had been enacted at the
33 same session of the Legislature, and full effect shall be given
34 to each if possible.

35 Section 3. This act shall take effect July 1, 2003.