

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 18 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 applicability;  
 8           providing an effective date.

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

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

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

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

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

26           (1) A court shall sentence a person to life  
 27 imprisonment without possibility of parole if the person is  
 28 convicted of a capital felony committed when that person was  
 29 younger than 18 years of age. A person who has been convicted  
 30 of a capital felony committed when that person was 18 years of  
 31 age or older shall be sentenced to ~~punished by~~ death if the

1 proceeding held to determine sentence according to the  
2 procedure set forth in s. 921.141 results in findings by the  
3 court that such person shall be sentenced to ~~punished by~~  
4 death, otherwise such person shall be sentenced to ~~punished by~~  
5 life imprisonment without possibility of ~~and shall be~~  
6 ~~ineligible for~~ parole.

7           Section 3. This act shall take effect upon becoming a  
8 law and shall apply only to offenses committed on or after  
9 that date.

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