

HB 0063

2004

1                                   A bill to be entitled  
 2           An act relating to imposition of a death sentence;  
 3           creating s. 921.1415, F.S.; providing that only criminals  
 4           who were 18 years of age or older at the time the crime  
 5           was committed may be sentenced to death; amending s.  
 6           775.082, F.S., to conform; 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 921.1415, Florida Statutes, is created  
 11 to read:

12           921.1415 Sentence of death; minimum age requirement.--The  
 13 death sentence is an authorized punishment for persons who are  
 14 18 years of age or older at the time of the commission of a  
 15 capital crime. However, notwithstanding any other provision of  
 16 this chapter, the death sentence is not an authorized punishment  
 17 for any person who, at the time of the commission of the crime,  
 18 was younger than 18 years of age.

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

21           775.082 Penalties; applicability of sentencing structures;  
 22 mandatory minimum sentences for certain reoffenders previously  
 23 released from prison.--

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

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31 921.141 results in findings by the court that such person shall  
32 be sentenced to ~~punished by~~ death, otherwise such person shall  
33 be sentenced to ~~punished by~~ life imprisonment without  
34 possibility of ~~and shall be ineligible for~~ parole.

35       Section 3. This act shall take effect upon becoming a law.