

By Senator Crist

12-443-05

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A bill to be entitled

An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 18 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing applicability; providing an effective date.

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

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

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

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

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

(1) A court shall sentence a person to life imprisonment without possibility of parole if the person is convicted of a capital felony committed when that person was younger than 18 years of age. A person who has been convicted of a capital felony committed when that person was 18 years of 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 the ~~such~~ person shall be sentenced to ~~punished by~~  
4 death, otherwise the ~~such~~ person shall be sentenced to  
5 ~~punished by~~ life imprisonment without possibility of ~~and shall~~  
6 ~~be 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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SENATE SUMMARY

Provides that a sentence of death is not an authorized punishment for a person who, at the time of the crime, was younger than 18 years of age. Requires that the court sentence a person to life imprisonment without possibility of parole if the person is convicted of a capital felony committed when that person was younger than 18 years of age.