

Bill No. CS for SB 2544

Barcode 444232

CHAMBER ACTION

Senate

House

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Senator Joyner moved the following **substitute for amendment**  
(783074):

**Senate Amendment (with title amendment)**

On page 2, lines 6-9, delete those lines

and insert:

b. For a life felony committed on or after July 1, 2007, which is a person's second or subsequent violation of s. 800.04(5)(b), by a term of imprisonment for life.

Section 2. Section 794.0115, Florida Statutes, is amended to read:

794.0115 Dangerous sexual felony offender; mandatory sentencing.--

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

(2) Any person who is convicted of a violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 796.03; s. 794.065(1); s. 800.04(4), ~~or~~ (5), (6)(b), or (7)(c); s. 825.1025(2), ~~or~~ (3), ~~or~~ (4); s. 827.071(2), (3), ~~or~~ (4), ~~or~~ (5); or s. 847.0145; or of any similar offense under a

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1 former designation, which offense the person committed when he  
2 or she was 18 years of age or older, and the person:

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

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

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

9 (d) Committed the offense while under the jurisdiction  
10 of a court for a felony offense under the laws of this state,  
11 for an offense that is a felony in another jurisdiction, or  
12 for an offense that would be a felony if that offense were  
13 committed in this state; or

14 (e) Has previously been convicted of a violation of s.  
15 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
16 796.03; s. 794.065(1); s. 800.04(4), ~~or~~ (5), (6)(b), or  
17 (7)(c); s. 825.1025(2), ~~or~~ (3), or (4); s. 827.071(2), (3), ~~or~~  
18 (4), or (5); s. 847.0145; of any offense under a former  
19 statutory designation which is similar in elements to an  
20 offense described in this paragraph; or of any offense that is  
21 a felony in another jurisdiction, or would be a felony if that  
22 offense were committed in this state, and which is similar in  
23 elements to an offense described in this paragraph,

24  
25 is a dangerous sexual felony offender, who must be sentenced  
26 to a mandatory minimum term of 25 years imprisonment up to,  
27 and including, life imprisonment.

28 (3)(a) Any person who:  
29 1. Is convicted of a violation of s. 787.025(2)(c); s.  
30 794.011(2), (3), (4), (5), or (8); s. 796.03; s. 794.065(1);  
31 s. 800.04(4), (5), (6)(b), or (7)(c); s. 825.1025(2), (3), or

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1 (4); s. 827.071(2), (3), (4), or (5); or s. 847.0145 and was  
 2 18 years of age or older at the time of the offense; and  
 3 2. Has been twice previously been convicted of a  
 4 violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5),  
 5 or (8); s. 796.03; s. 794.065(1); s. 800.04(4), (5), (6)(b), or  
 6 (7)(c); s. 825.1025(2), (3) or (4); s. 827.071(2), (3), (4) or  
 7 (5); or s. 847.0145,

8  
 9 must be sentenced to a mandatory minimum term of life  
 10 imprisonment.

11 (b) For purposes of this subsection, any offense  
 12 listed in this subsection includes any offense under a former  
 13 designation which is similar in elements to an offense  
 14 described in this subsection and any offense that is a felony  
 15 in another jurisdiction, or would be a felony if that offense  
 16 were committed in this state, and that is similar in elements  
 17 to an offense described in this subsection.

18 (4)(3) "Serious personal injury" means great bodily  
 19 harm or pain, permanent disability, or permanent  
 20 disfigurement.

21 (5)(4) The offense described in subsection (2) or  
 22 subsection (3) which is being charged must have been committed  
 23 after the date of commission of the last prior conviction for  
 24 an offense that is a prior conviction described in paragraph  
 25 (2)(e) or subsection (3).

26 (6)(5) It is irrelevant that a factor listed in  
 27 subsection (2) is an element of an offense described in that  
 28 subsection. It is also irrelevant that such an offense was  
 29 reclassified to a higher felony degree under s. 794.023 or any  
 30 other law.

31 (7)(6) Notwithstanding s. 775.082(3), chapter 958, any

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1 other law, or any interpretation or construction thereof, a  
 2 person subject to sentencing under this section must be  
 3 sentenced to the mandatory term of imprisonment provided under  
 4 this section. If the mandatory minimum term of imprisonment  
 5 imposed under this section exceeds the maximum sentence  
 6 authorized under s. 775.082, s. 775.084, or chapter 921, the  
 7 mandatory minimum term of imprisonment under this section must  
 8 be imposed. If the mandatory minimum term of imprisonment  
 9 under this section is less than the sentence that could be  
 10 imposed under s. 775.082, s. 775.084, or chapter 921, the  
 11 sentence imposed must include the mandatory minimum term of  
 12 imprisonment under this section.

13       ~~(8)(7)~~ A defendant sentenced to a mandatory minimum  
 14 term of imprisonment under this section is not eligible for  
 15 statutory gain-time under s. 944.275 or any form of  
 16 discretionary early release, other than pardon or executive  
 17 clemency, or conditional medical release under s. 947.149,  
 18 before serving the minimum sentence.

19  
 20 (Redesignate subsequent sections.)

21  
 22

23 ===== T I T L E    A M E N D M E N T =====

24 And the title is amended as follows:

25           On page 1, lines 3 and 4, delete those lines

26

27 and insert:

28           775.082, F.S.; requiring life sentences for  
 29           certain second or subsequent offenders;  
 30           amending s. 794.0115, F.S.; adding offenses to  
 31           dangerous sexual felony offender law; requiring

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1 mandatory minimum life sentences for certain  
2 offenders;

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