

Bill No. CS for SB 2544

Barcode 783074

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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05/03/2007 04:25 PM

11 Senator Storms moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

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

16 and insert:

17 b. For a life felony committed on or after July 1,

18 2007, which is a person's second or subsequent violation of s.

19 800.04(5)(b), by a term of imprisonment for life.

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

22 794.0115 Dangerous sexual felony offender; mandatory  
23 sentencing.--

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

26 (2) Any person who is convicted of a violation of s.

27 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.

28 796.03; s. 794.065(1); s. 800.04(4), or (5), (6)(b), or

29 (7)(c); s. 825.1025(2), or (3), or (4); s. 827.071(2), (3), or

30 (4), or (5); or s. 847.0145; or of any similar offense under a

31 former designation, which offense the person committed when he

Bill No. CS for SB 2544

Barcode 783074

1 or she was 18 years of age or older, and the person:

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

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

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

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

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

23  
24 is a dangerous sexual felony offender, who must be sentenced  
25 to a mandatory minimum term of 25 years imprisonment up to,  
26 and including, life imprisonment.

27 (3)(a) Any person who:

28 1. Is convicted of a violation of s. 787.025(2)(c); s.  
29 794.011(2), (3), (4), (5), or (8); s. 796.03; s. 794.065(1);  
30 s. 800.04(4), (5), (6)(b), or (7)(c); s. 825.1025(2), (3), or  
31 (4); s. 827.071(2), (3), (4), or (5); or s. 847.0145 and was

Bill No. CS for SB 2544

Barcode 783074

1 18 years of age or older at the time of the offense; and

2 2. Has been twice previously been convicted of a  
3 violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5),  
4 or (8); s. 796.03; s. 794.065(1); s. 800.04(4), (5), (6)(b), or  
5 (7)(c); s. 825.1025(2), (3) or (4); s. 827.071(2), (3), (4) or  
6 (5); or s. 847.0145,

7  
8 must be sentenced to a mandatory minimum term of life  
9 imprisonment.

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

17 (4)(3) "Serious personal injury" means great bodily  
18 harm or pain, permanent disability, or permanent  
19 disfigurement.

20 (5)(4) The offense described in subsection (2) or  
21 subsection (3) which is being charged must have been committed  
22 after the date of commission of the last prior conviction for  
23 an offense that is a prior conviction described in paragraph  
24 (2)(e) or subsection (3).

25 (6)(5) It is irrelevant that a factor listed in  
26 subsection (2) is an element of an offense described in that  
27 subsection. It is also irrelevant that such an offense was  
28 reclassified to a higher felony degree under s. 794.023 or any  
29 other law.

30 (7)(6) Notwithstanding s. 775.082(3), chapter 958, any  
31 other law, or any interpretation or construction thereof, a

Bill No. CS for SB 2544

Barcode 783074

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

12 ~~(8)(7)~~ A defendant sentenced to a mandatory minimum  
 13 term of imprisonment under this section is not eligible for  
 14 statutory gain-time under s. 944.275 or any form of  
 15 discretionary early release, other than pardon or executive  
 16 clemency, or conditional medical release under s. 947.149,  
 17 before serving the minimum sentence.

18 Section 3. Section 775.0847, Florida Statutes, is  
 19 created to read:

20 775.0847 Sexual offenses; reclassification.--

21 (1) The penalty for any misdemeanor or felony under s.  
 22 794.075, s. 800.02, s. 800.03, s. 810.14, s. 810.145, or s.  
 23 877.26 shall be reclassified, and the offender subject to an  
 24 enhanced penalty, as follows:

25 (a) If the offender has previously been convicted of a  
 26 violation of s. 794.075, s. 800.02, s. 800.03, s. 810.14, s.  
 27 810.145, or s. 877.26, the offense shall be reclassified as a  
 28 felony of the third degree.

29 (b) If the offender has twice previously been  
 30 convicted of a violation of s. 794.075, s. 800.02, s. 800.03,  
 31 s. 810.14, s. 810.145, or s. 877.26, the offense shall be

Bill No. CS for SB 2544

Barcode 783074

1 reclassified as a felony of the second degree and the offender  
2 must be sentenced to a minimum mandatory term of imprisonment  
3 of 5 years.

4 (c) If the offender has previously been convicted of a  
5 violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5),  
6 or (8); s. 794.065(1); s. 796.03; s. 800.04(4), (5), (6)(b),  
7 or (7)(c); s. 825.1025(2), (3), or (4); s. 827.071(2), (3),  
8 (4), or (5); or s. 847.0145, the offense shall be reclassified  
9 as a second degree felony and the offender must be sentenced  
10 to a minimum mandatory term of imprisonment of 5 years.

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

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

Bill No. CS for SB 2544

Barcode 783074

1 mandatory minimum life sentences for certain  
2 offenders; creating s. 775.0847, F.S.;  
3 providing enhanced penalties for certain sexual  
4 offenses; providing mandatory minimum  
5 sentences;

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