

1 A bill to be entitled
2 An act relating to sexual offenses; amending s.
3 775.082, F.S.; requiring life sentences for
4 certain second or subsequent offenders;
5 amending s. 794.0115, F.S.; adding offenses to
6 dangerous sexual felony offender law; requiring
7 mandatory minimum life sentences for certain
8 offenders; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (a) of subsection (3) of section
13 775.082, Florida Statutes, is amended to read:

14 775.082 Penalties; applicability of sentencing
15 structures; mandatory minimum sentences for certain
16 reoffenders previously released from prison.--

17 (3) A person who has been convicted of any other
18 designated felony may be punished as follows:

19 (a)1. For a life felony committed prior to October 1,
20 1983, by a term of imprisonment for life or for a term of
21 years not less than 30.

22 2. Except as provided in subparagraph 3., for a life
23 felony committed on or after October 1, 1983, by a term of
24 imprisonment for life or by a term of imprisonment not
25 exceeding 40 years.

26 3. Except as provided in subparagraph 4., for a life
27 felony committed on or after July 1, 1995, by a term of
28 imprisonment for life or by imprisonment for a term of years
29 not exceeding life imprisonment.

30
31

1 4.a. Except as provided in sub-subparagraph b., for a
2 life felony committed on or after September 1, 2005, which is
3 a violation of s. 800.04(5)(b), by:

4 ~~(I)a.~~ A term of imprisonment for life; or

5 ~~(II)b.~~ A split sentence that is a term of not less
6 than 25 years' imprisonment and not exceeding life
7 imprisonment, followed by probation or community control for
8 the remainder of the person's natural life, as provided in s.
9 948.012(4).

10 b. For a life felony committed on or after July 1,
11 2007, which is a person's second or subsequent violation of s.
12 800.04(5)(b), by a term of imprisonment for life.

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

15 794.0115 Dangerous sexual felony offender; mandatory
16 sentencing.--

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

19 (2) Any person who is convicted of a violation of s.
20 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
21 796.03; s. 794.065(1); s. 800.04(4), ~~or~~ (5), (6)(b), or
22 (7)(c); s. 825.1025(2), ~~or~~ (3), or (4); s. 827.071(2), (3), ~~or~~
23 (4), or (5); or s. 847.0145; or of any similar offense under a
24 former designation, which offense the person committed when he
25 or she was 18 years of age or older, and the person:

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

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

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

1 (d) Committed the offense while under the jurisdiction
 2 of a court for a felony offense under the laws of this state,
 3 for an offense that is a felony in another jurisdiction, or
 4 for an offense that would be a felony if that offense were
 5 committed in this state; or

6 (e) Has previously been convicted of a violation of s.
 7 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 8 796.03; s. 794.065(1); s. 800.04(4), ~~or~~ (5), (6)(b), or
 9 (7)(c); s. 825.1025(2), ~~or~~ (3), or (4); s. 827.071(2), (3), ~~or~~
 10 (4), or (5); s. 847.0145; of any offense under a former
 11 ~~statutory~~ designation which is similar in elements to an
 12 offense described in this paragraph; or of any offense that is
 13 a felony in another jurisdiction, or would be a felony if that
 14 offense were committed in this state, and which is similar in
 15 elements to an offense described in this paragraph,
 16
 17 is a dangerous sexual felony offender, who must be sentenced
 18 to a mandatory minimum term of 25 years imprisonment up to,
 19 and including, life imprisonment.

20 (3)(a) Any person who:

21 1. Is convicted of a violation of s. 787.025(2)(c); s.
 22 794.011(2), (3), (4), (5), or (8); s. 796.03; s. 794.065(1);
 23 s. 800.04(4), (5), (6)(b), or (7)(c); s. 825.1025(2), (3), or
 24 (4); s. 827.071(2), (3), (4), or (5); or s. 847.0145 and was
 25 18 years of age or older at the time of the offense; and
 26 2. Has been twice previously been convicted of a
 27 violation of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5),
 28 or (8); s. 796.03; s. 794.065(1); s. 800.04(4), (5), (6)(b), or
 29 (7)(c); s. 825.1025(2), (3) or (4); s. 827.071(2), (3), (4) or
 30 (5); or s. 847.0145,
 31

1 must be sentenced to a mandatory minimum term of life
2 imprisonment.

3 (b) For purposes of this subsection, any offense
4 listed in this subsection includes any offense under a former
5 designation which is similar in elements to an offense
6 described in this subsection and any offense that is a felony
7 in another jurisdiction, or would be a felony if that offense
8 were committed in this state, and that is similar in elements
9 to an offense described in this subsection.

10 ~~(4)(3)~~ "Serious personal injury" means great bodily
11 harm or pain, permanent disability, or permanent
12 disfigurement.

13 ~~(5)(4)~~ The offense described in subsection (2) or
14 subsection (3) which is being charged must have been committed
15 after the date of commission of the last prior conviction for
16 an offense that is a prior conviction described in paragraph
17 (2)(e) or subsection (3).

18 ~~(6)(5)~~ It is irrelevant that a factor listed in
19 subsection (2) is an element of an offense described in that
20 subsection. It is also irrelevant that such an offense was
21 reclassified to a higher felony degree under s. 794.023 or any
22 other law.

23 ~~(7)(6)~~ Notwithstanding s. 775.082(3), chapter 958, any
24 other law, or any interpretation or construction thereof, a
25 person subject to sentencing under this section must be
26 sentenced to the mandatory term of imprisonment provided under
27 this section. If the mandatory minimum term of imprisonment
28 imposed under this section exceeds the maximum sentence
29 authorized under s. 775.082, s. 775.084, or chapter 921, the
30 mandatory minimum term of imprisonment under this section must
31 be imposed. If the mandatory minimum term of imprisonment

1 under this section is less than the sentence that could be
2 imposed under s. 775.082, s. 775.084, or chapter 921, the
3 sentence imposed must include the mandatory minimum term of
4 imprisonment under this section.

5 (8)~~(7)~~ A defendant sentenced to a mandatory minimum
6 term of imprisonment under this section is not eligible for
7 statutory gain-time under s. 944.275 or any form of
8 discretionary early release, other than pardon or executive
9 clemency, or conditional medical release under s. 947.149,
10 before serving the minimum sentence.

11 Section 3. This act shall take effect July 1, 2007.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31