

1                   A bill to be entitled  
 2           An act relating to sexual offenses; amending s. 775.082,  
 3           F.S.; requiring life sentences for certain second or  
 4           subsequent offenders; amending s. 794.0115, F.S.; adding  
 5           offenses to dangerous sexual felony offender law;  
 6           requiring mandatory minimum life sentences for certain  
 7           offenders; creating s. 775.0847, F.S.; providing enhanced  
 8           penalties for certain sexual offenses; providing mandatory  
 9           minimum sentences; providing an effective date.

10

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

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13           Section 1. Paragraph (a) of subsection (3) of section  
 14           775.082, Florida Statutes, is amended to read:

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

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

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

23           2. For a life felony committed on or after October 1,  
 24           1983, by a term of imprisonment for life or by a term of  
 25           imprisonment not 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

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28 | imprisonment for life or by imprisonment for a term of years not  
 29 | exceeding life imprisonment.

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

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

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

38 |       b. For a life felony committed on or after July 1, 2007,  
 39 | which is a person's second or subsequent violation of s.  
 40 | 800.04(5)(b), by a term of imprisonment for life.

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

43 |       794.0115 Dangerous sexual felony offender; mandatory  
 44 | sentencing.--

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

47 |       (2) Any person who is convicted of a violation of s.  
 48 | 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 796.03;  
 49 | s. 794.065(1); s. 800.04(4), ~~or~~ (5), (6)(b), or (7)(c); s.  
 50 | 825.1025(2), ~~or~~ (3), or (4); s. 827.071(2), (3), ~~or~~ (4), or (5);  
 51 | or s. 847.0145; or of any similar offense under a former  
 52 | designation, which offense the person committed when he or she  
 53 | was 18 years of age or older, and the person:

54 |       (a) Caused serious personal injury to the victim as a  
 55 | result of the commission of the offense;

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

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

60 (d) Committed the offense while under the jurisdiction of  
61 a court for a felony offense under the laws of this state, for  
62 an offense that is a felony in another jurisdiction, or for an  
63 offense that would be a felony if that offense were committed in  
64 this state; or

65 (e) Has previously been convicted of a violation of s.  
66 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s. 796.03;  
67 s. 794.065(1); s. 800.04(4), ~~or~~ (5), (6)(b), or (7)(c); s.  
68 825.1025(2), ~~or~~ (3), or (4); s. 827.071(2), (3), ~~or~~ (4), or (5);  
69 s. 847.0145; of any offense under a former ~~statutory~~ designation  
70 which is similar in elements to an offense described in this  
71 paragraph; or of any offense that is a felony in another  
72 jurisdiction, or would be a felony if that offense were  
73 committed in this state, and which is similar in elements to an  
74 offense described in this paragraph,

75  
76 is a dangerous sexual felony offender, who must be sentenced to  
77 a mandatory minimum term of 25 years imprisonment up to, and  
78 including, life imprisonment.

79 (3)(a) Any person who:

80 1. Is convicted of a violation of s. 787.025(2)(c); s.  
81 794.011(2), (3), (4), (5), or (8); s. 796.03; s. 794.065(1); s.  
82 800.04(4), (5), (6)(b), or (7)(c); s. 825.1025(2), (3), or (4);  
83 s. 827.071(2), (3), (4), or (5); or s. 847.0145 and was 18 years

84 of age or older at the time of the offense; and

85 2. Has been twice previously been convicted of a violation  
 86 of s. 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
 87 796.03; s. 794.065(1); s. 800.04(4), (5), (6)(b), or (7)(c); s.  
 88 825.1025(2), (3) or (4); s. 827.071(2), (3), (4) or (5); or s.  
 89 847.0145,

90  
 91 must be sentenced to a mandatory minimum term of life  
 92 imprisonment.

93 (b) For purposes of this subsection, any offense listed in  
 94 this subsection includes any offense under a former designation  
 95 which is similar in elements to an offense described in this  
 96 subsection and any offense that is a felony in another  
 97 jurisdiction, or would be a felony if that offense were  
 98 committed in this state, and that is similar in elements to an  
 99 offense described in this subsection.

100 (4)(3) "Serious personal injury" means great bodily harm  
 101 or pain, permanent disability, or permanent disfigurement.

102 (5)(4) The offense described in subsection (2) or  
 103 subsection (3) which is being charged must have been committed  
 104 after the date of commission of the last prior conviction for an  
 105 offense that is a prior conviction described in paragraph (2)(e)  
 106 or subsection (3).

107 (6)(5) It is irrelevant that a factor listed in subsection  
 108 (2) is an element of an offense described in that subsection. It  
 109 is also irrelevant that such an offense was reclassified to a  
 110 higher felony degree under s. 794.023 or any other law.

111        (7)~~(6)~~ Notwithstanding s. 775.082(3), chapter 958, any  
 112 other law, or any interpretation or construction thereof, a  
 113 person subject to sentencing under this section must be  
 114 sentenced to the mandatory term of imprisonment provided under  
 115 this section. If the mandatory minimum term of imprisonment  
 116 imposed under this section exceeds the maximum sentence  
 117 authorized under s. 775.082, s. 775.084, or chapter 921, the  
 118 mandatory minimum term of imprisonment under this section must  
 119 be imposed. If the mandatory minimum term of imprisonment under  
 120 this section is less than the sentence that could be imposed  
 121 under s. 775.082, s. 775.084, or chapter 921, the sentence  
 122 imposed must include the mandatory minimum term of imprisonment  
 123 under this section.

124        (8)~~(7)~~ A defendant sentenced to a mandatory minimum term  
 125 of imprisonment under this section is not eligible for statutory  
 126 gain-time under s. 944.275 or any form of discretionary early  
 127 release, other than pardon or executive clemency, or conditional  
 128 medical release under s. 947.149, before serving the minimum  
 129 sentence.

130        Section 3. Section 775.0847, Florida Statutes, is created  
 131 to read:

132        775.0847 Sexual offenses; reclassification.--

133        (1) The penalty for any misdemeanor or felony under s.  
 134 365.16(1)(a), s. 794.075, s. 800.02, s. 800.03, s. 810.14, s.  
 135 810.145, or s. 877.26 shall be reclassified, and the offender  
 136 subject to an enhanced penalty, as follows:

137        (a) If the offender has previously been convicted of a  
 138 violation of s. 365.16(1)(a), s. 794.075, s. 800.02, s. 800.03,

139 s. 810.14, s. 810.145, or s. 877.26, the offense shall be  
140 reclassified as a felony of the third degree.

141 (b) If the offender has twice previously been convicted of  
142 a violation of s. 365.16(1)(a), s. 794.075, s. 800.02, s.  
143 800.03, s. 810.14, s. 810.145, or s. 877.26, the offense shall  
144 be reclassified as a felony of the second degree and the  
145 offender must be sentenced to a minimum mandatory term of  
146 imprisonment of 5 years.

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

154 (2) For purposes of this section, any offense listed in  
155 this section includes any offense under a former designation  
156 which is similar in elements to an offense described in this  
157 section and any offense that is a misdemeanor or felony in  
158 another jurisdiction, or would be a misdemeanor or felony if  
159 that offense were committed in this state, and that is similar  
160 in elements to an offense described in this section.

161 Section 4. This act shall take effect July 1, 2007.