

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.

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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

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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.
 134 794.075, s. 800.02, s. 800.03, s. 810.14, s. 810.145, or s.
 135 877.26 shall be reclassified, and the offender subject to an
 136 enhanced penalty, as follows:

137 (a) If the offender has previously been convicted of a
 138 violation of s. 794.075, s. 800.02, s. 800.03, s. 810.14, s.

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

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

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

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

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