

By Senator Dockery

15-00480-08

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1 A bill to be entitled
2 An act relating to lewd or lascivious molestation;
3 amending s. 775.082, F.S.; requiring life sentences for
4 certain second or subsequent offenders; amending s.
5 948.012, F.S.; conforming a cross-reference; reenacting s.
6 800.04(5)(b), F.S., relating to lewd or lascivious
7 offenses committed against persons less than 12 years of
8 age, to incorporate the amendments made to s. 775.082,
9 F.S., in a reference thereto; 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 designated
19 felony may be punished as follows:

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

23 2. For a life felony committed on or after October 1, 1983,
24 by a term of imprisonment for life or by a term of imprisonment
25 not exceeding 40 years.

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

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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, followed
36 by probation or community control for the remainder of the
37 person's natural life, as provided in s. 948.012(4).

38 b. For a life felony committed on or after July 1, 2008,
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. Subsection (4) of section 948.012, Florida
42 Statutes, is amended to read:

43 948.012 Split sentence of probation or community control
44 and imprisonment.--

45 (4) Effective for offenses committed on or after September
46 1, 2005, the court must impose a split sentence pursuant to
47 subsection (1) for any person who is convicted of a life felony
48 for lewd and lascivious molestation pursuant to s. 800.04(5)(b)
49 if the court imposes a term of years in accordance with s.
50 775.082(3)(a)4.a.(II)~~b.~~ rather than life imprisonment. The
51 probation or community control portion of the split sentence
52 imposed by the court for a defendant must extend for the duration
53 of the defendant's natural life and include a condition that he
54 or she be electronically monitored.

55 Section 3. For the purpose of incorporating the amendment
56 made by this act to section 775.082, Florida Statutes, in a
57 reference thereto, paragraph (b) of subsection (5) of section
58 800.04, Florida Statutes, is reenacted to read:

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59 800.04 Lewd or lascivious offenses committed upon or in the
60 presence of persons less than 16 years of age.--

61 (5) LEWD OR LASCIVIOUS MOLESTATION.--

62 (b) An offender 18 years of age or older who commits lewd
63 or lascivious molestation against a victim less than 12 years of
64 age commits a life felony, punishable as provided in s.

65 775.082(3)(a)4.

66 Section 4. This act shall take effect July 1, 2008.