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2008

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.

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

12  
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, 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  
53 duration of the defendant's natural life and include a condition  
54 that he or she be electronically monitored.

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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:

59 800.04 Lewd or lascivious offenses committed upon or in  
60 the 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.