

ENROLLED
 HB 85

2008 Legislature

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A bill to be entitled
 An act relating to lewd or lascivious molestation;
 amending s. 775.082, F.S.; requiring life sentences for
 certain second or subsequent offenders; amending s.
 948.012, F.S.; conforming a cross-reference; reenacting s.
 800.04(5)(b), F.S., relating to lewd or lascivious
 offenses committed against persons less than 12 years of
 age, to incorporate the amendments made to s. 775.082,
 F.S., in a reference thereto; providing an effective date.

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

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

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

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

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

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

3. Except as provided in subparagraph 4., for a life
 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.