

By Senator Flores

38-00579B-11

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1 A bill to be entitled
2 An act relating to murder of a child 17 years of age
3 or younger; creating s. 782.066, F.S.; reclassifying
4 specified murder offenses if committed upon a child 17
5 years of age or younger; prohibiting a court from
6 suspending, deferring, or withholding adjudication of
7 guilt or imposition of sentence; providing an
8 effective date.

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

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12 Section 1. Section 782.066, Florida Statutes, is created to
13 read:

14 782.066 Murder; child 17 years of age or younger.-

15 (1) Whenever a person is charged with committing a
16 violation of s. 782.04, other than s. 782.04(1), upon a child 17
17 years of age or younger, the offense for which the person is
18 charged shall be reclassified as follows, regardless of whether
19 he or she had a reason to know the age of the victim:

20 (a) In the case of a violation of s. 782.04(2), from a
21 felony of the first degree to a capital felony, punishable as
22 provided in s. 775.082.

23 (b) In the case of a violation of s. 782.04(3), from a
24 felony of the first degree to a felony of the first degree
25 punishable by imprisonment for a term of years not exceeding
26 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

27 (c) In the case of a violation of s. 782.04(4), from a
28 felony of the second degree to a felony of the first degree.

29 (2) Notwithstanding s. 948.01, a court may not suspend,

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30 defer, or withhold adjudication of guilt or imposition of
31 sentence for any violation of this section.

32 Section 2. This act shall take effect October 1, 2011.