

By Senator Garcia

40-01164-12

20121734

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.; providing for  
4           reclassification of specified murder offenses if  
5           committed upon a child 17 years of age or younger;  
6           prohibiting a court from suspending, deferring, or  
7           withholding adjudication of guilt or imposition of  
8           sentence; providing an 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 may be reclassified as follows, regardless of whether he  
19 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(4), from a  
24 felony of the second degree to a felony of the first degree.

25           (2) Notwithstanding s. 948.01, a court may not suspend,  
26 defer, or withhold adjudication of guilt or imposition of  
27 sentence for any violation of this section.

28           Section 2. This act shall take effect July 1, 2012.