



806648

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/05/2013	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment

Delete lines 79 - 120
and insert:

5. Notwithstanding subparagraphs 1.-4., a person convicted under s. 782.04 for an offense that was reclassified as a life felony that was committed before the person was 18 years of age is eligible to be punished by a term of imprisonment for life or by a term of years equal to life imprisonment if the judge at a mandatory sentencing hearing considers factors relevant to the offense and to the defendant's youth and attendant circumstances, including, but not limited to, the factors listed



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13 in paragraph (1)(b) and concludes that imprisonment for life or
14 a term of years equal to life imprisonment is an appropriate
15 sentence. This subparagraph applies retroactively only to the
16 extent necessary to meet constitutional requirements for
17 imposing a life sentence on a defendant who is convicted of
18 committing a murder that was committed before the person was 18
19 years of age as set forth by the United States Supreme Court in
20 Miller v. Alabama, 132 S. Ct. 2455 (2012).

21 6. For offenses committed on or after July 1, 2013, a
22 person convicted of a life felony or of an offense that was
23 reclassified as a life felony, other than an offense listed in
24 s. 782.04, that was committed before the person was 18 years of
25 age shall be punished by a term of imprisonment not to exceed 50
26 years.

27 (b) Except as provided in paragraphs 1. and 2., for a
28 felony of the first degree, by a term of imprisonment not
29 exceeding 30 years or, when specifically provided by statute, by
30 imprisonment for a term of years not exceeding life
31 imprisonment.

32 1. A person convicted under s. 782.04 of a first-degree
33 felony punishable by a term of years not exceeding life
34 imprisonment, or an offense that was reclassified as a first-
35 degree felony punishable by a term of years not exceeding life
36 imprisonment, that was committed before the person was 18 years
37 of age is eligible for a term of years equal to life
38 imprisonment if the judge at a mandatory sentencing hearing
39 considers factors relevant to the offense and to the defendant's
40 youth and attendant circumstances, including, but not limited
41 to, the factors listed in paragraph (1)(b) and concludes that a



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42 term of years equal to life imprisonment is an appropriate
43 sentence. This subparagraph applies retroactively only to the
44 extent necessary to meet constitutional requirements for
45 imposing a life sentence on a defendant who is convicted of
46 committing a murder that was committed before the person was 18
47 years of age as set forth by the United States Supreme Court in
48 Miller v. Alabama, 132 S. Ct. 2455 (2012).

49 2. For offenses committed on or after July 1, 2013, a
50 person convicted for a first-degree felony punishable by a term
51 of years not exceeding life imprisonment or of an offense that
52 was reclassified as a first-degree felony punishable by a term
53 of years not exceeding life imprisonment, other than an offense
54 listed in s. 782.04, that was committed before the person was
55 18 years of age shall be punished by a term of imprisonment not
56 to exceed 50 years.