

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Pilon offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (1) and (3) of section 775.082, Florida Statutes, are amended to read:

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

(1) (a) Except as provided in paragraph (b), A person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in findings by the court that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(b) A person who is convicted of a capital felony, or an offense that was reclassified as a capital felony, that was committed before the person was 18 years of age shall be

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21 punished by life imprisonment and is ineligible for parole if
22 the judge at a mandatory sentencing hearing concludes that life
23 imprisonment is an appropriate sentence. In determining whether
24 life imprisonment is an appropriate sentence, the judge shall
25 consider factors relevant to the offense and to the defendant's
26 age and attendant circumstances, including, but not limited to:

27 1. The nature and circumstances of the offense committed
28 by the defendant.

29 2. The effect of the crime on the victim's family and on
30 the community.

31 3. The defendant's age, maturity, intellectual capacity,
32 and mental and emotional health at the time of the offense.

33 4. The defendant's background, including his or her
34 family, home, and community environment.

35 5. The effect, if any, of immaturity, impetuosity, or
36 failure to appreciate risks and consequences on the defendant's
37 participation in the offense.

38 6. The extent of the defendant's participation in the
39 offense.

40 7. The effect, if any, of familial pressure or peer
41 pressure on the defendant's actions.

42 8. The nature and extent of the defendant's prior criminal
43 history.

44 9. The effect, if any, of characteristics attributable to
45 the defendant's age on the defendant's judgment at the time of
46 the offense.

47 10. The possibility of rehabilitating the defendant.
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49 If the judge concludes that life imprisonment is not an
50 appropriate sentence, the defendant shall be punished by
51 imprisonment for a term of not less than 50 years.

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

54 (a)1. For a life felony committed before ~~prior to~~ October
55 1, 1983, by a term of imprisonment for life or for a term of
56 years not less than 30.

57 2. For a life felony committed on or after October 1,
58 1983, by a term of imprisonment for life or by a term of
59 imprisonment not exceeding 40 years.

60 3. Except as provided in subparagraph 4., for a life
61 felony committed on or after July 1, 1995, by a term of
62 imprisonment for life or by imprisonment for a term of years not
63 exceeding life imprisonment.

64 4.a. Except as provided in sub-subparagraph b., for a life
65 felony committed on or after September 1, 2005, which is a
66 violation of s. 800.04(5)(b), by:

67 (I) A term of imprisonment for life; or

68 (II) A split sentence that is a term of not less than 25
69 years' imprisonment and not exceeding life imprisonment,
70 followed by probation or community control for the remainder of
71 the person's natural life, as provided in s. 948.012(4).

72 b. For a life felony committed on or after July 1, 2008,
73 which is a person's second or subsequent violation of s.
74 800.04(5)(b), by a term of imprisonment for life.

75 5. Notwithstanding subparagraphs 1.-4., a person convicted
76 under s. 782.04 for an offense that was reclassified as a life

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77 felony that was committed before the person was 18 years of age
78 is eligible to be punished by a term of imprisonment for life or
79 by a term of years equal to life imprisonment if the judge at a
80 mandatory sentencing hearing considers factors relevant to the
81 offense and to the defendant's age and attendant circumstances,
82 including, but not limited to, the factors listed in paragraph
83 (1)(b) and concludes that imprisonment for life or a term of
84 years equal to life imprisonment is an appropriate sentence.

85 (b)1. For a felony of the first degree, by a term of
86 imprisonment not exceeding 30 years or, when specifically
87 provided by statute, by imprisonment for a term of years not
88 exceeding life imprisonment.

89 2. Notwithstanding subparagraph 1., a person convicted
90 under s. 782.04 of a first-degree felony punishable by a term of
91 years not exceeding life imprisonment, or an offense that was
92 reclassified as a first-degree felony punishable by a term of
93 years not exceeding life, that was committed before the person
94 was 18 years of age is eligible for a term of years equal to
95 life imprisonment if the judge at a mandatory sentencing hearing
96 considers factors relevant to the offense and to the defendant's
97 age and attendant circumstances, including, but not limited to,
98 the factors listed in paragraph (1)(b) and concludes that a term
99 of years equal to life imprisonment is an appropriate sentence.

100 (c) For a felony of the second degree, by a term of
101 imprisonment not exceeding 15 years.

102 (d) For a felony of the third degree, by a term of
103 imprisonment not exceeding 5 years.

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104 (e) Notwithstanding paragraphs (a)-(d), for an offense
105 committed on or after July 1, 2013, a person convicted of a life
106 felony or an offense punishable by a term of years not exceeding
107 life imprisonment, other than an offense listed in s. 782.04, or
108 an offense, other than an offense listed in s. 782.04, that was
109 reclassified as a life felony or an offense punishable by a term
110 of years not exceeding life, that was committed before the
111 person was 18 years of age shall be punished by a term of
112 imprisonment not to exceed 50 years.

113 Section 2. This act shall take effect July 1, 2013.

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T I T L E A M E N D M E N T

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Remove lines 8-9 and insert:

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providing an effective date.

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