

HB 1301

2014

1 A bill to be entitled

2 An act relating to sentencing; amending s. 775.087,
3 F.S.; authorizing a judge to impose a sentence below
4 the mandatory minimum sentence under certain
5 circumstances; requiring the judge to state in writing
6 the reasons for departing from or using the mandatory
7 minimum sentence; providing factors that the judge
8 must consider in deciding whether to depart from the
9 mandatory minimum sentence; providing an effective
10 date.

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

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14 Section 1. Subsection (6) is added to section 775.087,
15 Florida Statutes, to read:

16 775.087 Possession or use of weapon; aggravated battery;
17 felony reclassification; minimum sentence.—

18 (6) For the purposes of this section, a judge may impose a
19 sentence less than the mandatory minimum sentence if the unique
20 circumstances of the case indicate that the offender does not
21 pose a threat to the public and the minimum term does not
22 fulfill the goals of punishment and other sentencing criteria.

23 (a) The judge shall state in writing the reasons for
24 departing from or using the mandatory minimum sentence.

25 (b) When deciding whether to depart from the mandatory
26 minimum sentence, the judge shall consider factors including,

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27 | but not limited to:

28 | 1. The defendant's history as a survivor of domestic
29 | violence;

30 | 2. The defendant's mental health; and

31 | 3. Information presented at trial or sentencing which
32 | indicates that imposing the mandatory minimum sentence would
33 | frustrate justice or the original legislative intent of this
34 | section.

35 | Section 2. This act shall take effect July 1, 2014.