

Amendment No. 1

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WITHDRAWN	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: Justice Appropriations  
 2 Subcommittee  
 3 Representative Grant offered the following:

**Amendment**

6 Remove lines 58-177 and insert:

7 a term of imprisonment of at least 30 years. A person sentenced  
 8 to a term of imprisonment for life, by a term of years equal to  
 9 life imprisonment, or by a term of 30 years or more may be  
 10 entitled to a review of his or her sentence in accordance with  
 11 s. 921.1401.

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

14 (a)1. For a life felony committed before ~~prior to~~ October  
 15 1, 1983, by a term of imprisonment for life or for a term of at  
 16 least years not less than 30 years.

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17           2. For a life felony committed on or after October 1,  
18 1983, by a term of imprisonment for life or by a term of  
19 imprisonment not exceeding 40 years.

20           3. Except as provided in subparagraph 4., for a life  
21 felony committed on or after July 1, 1995, by a term of  
22 imprisonment for life or by imprisonment for a term of years not  
23 exceeding life imprisonment.

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

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

28           (II) A split sentence that is a term of at least ~~not less~~  
29 ~~than~~ 25 years' imprisonment and not exceeding life imprisonment,  
30 followed by probation or community control for the remainder of  
31 the person's natural life, as provided in s. 948.012(4).

32           b. For a life felony committed on or after July 1, 2008,  
33 which is a person's second or subsequent violation of s.  
34 800.04(5)(b), by a term of imprisonment for life.

35           5. Notwithstanding subparagraphs 1.-4., a person who is  
36 convicted under s. 782.04 of an offense that was reclassified as  
37 a life felony, which was committed before the person attained 18  
38 years of age, may be punished by a term of imprisonment for life  
39 or by a term of years equal to life imprisonment if the judge  
40 conducts a sentencing hearing in accordance with s. 921.140 and  
41 finds that life imprisonment or a term of years equal to life  
42 imprisonment is an appropriate sentence. A person sentenced to a

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43 term of imprisonment for life, by a term of years equal to life  
44 imprisonment, or by a term of more than 25 years may be entitled  
45 to a review of his or her sentence in accordance with s.  
46 921.1401.

47 (b)1. For a felony of the first degree, by a term of  
48 imprisonment not exceeding 30 years or, when specifically  
49 provided by statute, by imprisonment for a term of years not  
50 exceeding life imprisonment.

51 2. Notwithstanding subparagraph 1., a person convicted  
52 under s. 782.04 of a first degree felony punishable by a term of  
53 years not exceeding life imprisonment or an offense that was  
54 reclassified as a first degree felony punishable by a term of  
55 years not exceeding life, which was committed before the person  
56 attained 18 years of age, may be punished by a term of years  
57 equal to life imprisonment if the judge conducts a sentencing  
58 hearing in accordance with s. 921.140 and finds that a term of  
59 years equal to life imprisonment is an appropriate sentence. A  
60 person sentenced to a term of years equal to life imprisonment  
61 or a term of more than 25 years may be entitled to a review of  
62 his or her sentence in accordance with s. 921.1401.

63 (c) Notwithstanding paragraphs (a) and (b), a person  
64 convicted of an offense that is not included in s. 782.04, but  
65 an offense that is a life felony or is punishable by term of  
66 imprisonment for life or by a term of years not exceeding life  
67 imprisonment, or an offense that was reclassified as a life  
68 felony or an offense punishable by a term of imprisonment for

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69 life or by a term of years not exceeding life imprisonment,  
70 which was committed before the person attained 18 years of age,  
71 may be punished by a term of imprisonment for life or a term of  
72 years equal to life imprisonment if the judge conducts a  
73 sentencing hearing in accordance with s. 921.140 and finds that  
74 life imprisonment or a term of years equal to life imprisonment  
75 is an appropriate sentence. A person sentenced to a term of  
76 imprisonment for life, a term of years equal to life  
77 imprisonment, or a term of more than 25 years is entitled to a  
78 review of his or her sentence in accordance with s. 921.1401.

79 (d) ~~(e)~~ For a felony of the second degree, by a term of  
80 imprisonment not exceeding 15 years.

81 (e) ~~(d)~~ For a felony of the third degree, by a term of  
82 imprisonment not exceeding 5 years.

83 Section 2. Section 921.140, Florida Statutes, is created  
84 to read:

85 921.140 Sentence of life imprisonment for persons who are  
86 under the age of 18 years at the time of the offense; sentencing  
87 proceedings.-

88 (1) Upon conviction or adjudication of guilt of an offense  
89 described in ss. 775.082(1)(b), (3)(a)5., (3)(b)2., or (3)(c)  
90 which was committed on or after July 1, 2014, the court may  
91 conduct a separate sentencing hearing to determine if a term of  
92 imprisonment for life or a term of years equal to life  
93 imprisonment is an appropriate sentence.

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94 (2) In determining whether life imprisonment or a term of  
95 years equal to life imprisonment is an appropriate sentence, the  
96 court shall consider factors relevant to the offense and the  
97 defendant's youth and attendant circumstances, including, but  
98 not limited to:

99 (a) The nature and circumstances of the offense committed  
100 by the defendant.

101 (b) The effect of the crime on the victim's family and on  
102 the community.

103 (c) The defendant's age, maturity, intellectual capacity,  
104 and mental and emotional health at the time of the offense.

105 (d) The defendant's background, including his or her  
106 family, home, and community environment.

107 (e) The effect, if any, of immaturity, impetuosity, or  
108 failure to appreciate risks and consequences on the defendant's  
109 participation in the offense.

110 (f) The extent of the defendant's participation in the  
111 offense.

112 (g) The effect, if any, of familial pressure or peer  
113 pressure on the defendant's actions.

114 (h) The nature and extent of the defendant's prior  
115 criminal history.

116 (i) The effect, if any, of characteristics attributable to  
117 the defendant's youth on the defendant's judgment.

118 (j) The possibility of rehabilitating the defendant.

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119 Section 3. Section 921.1401, Florida Statutes, is created  
120 to read:

121 921.1401 Review of sentences for persons convicted of  
122 specified offenses committed while under the age of 18 years.-

123 (1) For purposes of this section, the term "juvenile  
124 offender" means a person sentenced to imprisonment in the  
125 custody of the Department of Corrections for an offense  
126 committed on or after July 1, 2014, and committed before he or  
127 she attained 18 years of age.

128 (2) (a) A juvenile offender sentenced to a term of  
129 imprisonment for life, a term of years equal to life  
130 imprisonment, or a term of more than 25 years under s.  
131 775.082 (1) (b), 775.082 (3) (a) 5., or 775.082 (3) (b) 2. is entitled  
132 to a review of his or her sentence after 25 years, unless the  
133 judge at sentencing determines that the juvenile offender is not  
134 eligible due to the extent of his or her participation in the  
135 killing of the victim. The

136