

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WITHDRAWN	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: Judiciary Committee  
 2 Representative Grant offered the following:

**Amendment**

5 Remove lines 50-205 and insert:

6 (b)1. A person who is convicted under s. 782.04 of a  
 7 capital felony or an offense that was reclassified as a capital  
 8 felony, which was committed before the person attained 18 years  
 9 of age, who participated in the physical killing of the victim,  
 10 shall be punished by a term of imprisonment for life if, after a  
 11 sentencing hearing conducted by the court in accordance with s.  
 12 921.140, the court finds that life imprisonment is an  
 13 appropriate sentence. If the court finds that life imprisonment  
 14 is not an appropriate sentence, such person shall be punished by  
 15 a term of imprisonment of at least 40 years. A person sentenced  
 16 pursuant to this subsection is entitled to a review of his or  
 17 her sentence in accordance with s. 921.1401.

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18        2. A person who is convicted under s. 782.04 of a capital  
19 felony or an offense that was reclassified as a capital felony,  
20 which was committed before the person attained 18 years of age,  
21 who did not participate in the physical killing of the victim,  
22 may be punished by a term of imprisonment for life or by a term  
23 of years equal to life if, after a sentencing hearing conducted  
24 by the court in accordance with s. 921.140, the court finds that  
25 life imprisonment is an appropriate sentence. A person that is  
26 sentenced to a term of imprisonment of 15 years or more is  
27 entitled to a review of his or her sentence in accordance with  
28 s. 921.1401.

29        3. The court shall make a written finding as to whether a  
30 person is eligible for a sentence review hearing under s.  
31 921.1401(2) (a) or 921.1401(2) (c). Such a finding shall be based  
32 upon whether the defendant participated in the physical killing  
33 of the victim. The court is permitted to find that multiple  
34 defendants contributed to the physical killing of the victim.

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

37        (a)1. For a life felony committed before ~~prior to~~ October  
38 1, 1983, by a term of imprisonment for life or for a term of at  
39 least years not less than 30 years.

40        2. For a life felony committed on or after October 1,  
41 1983, by a term of imprisonment for life or by a term of  
42 imprisonment not exceeding 40 years.

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43 3. Except as provided in subparagraph 4., for a life  
44 felony committed on or after July 1, 1995, by a term of  
45 imprisonment for life or by imprisonment for a term of years not  
46 exceeding life imprisonment.

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

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

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

55 b. For a life felony committed on or after July 1, 2008,  
56 which is a person's second or subsequent violation of s.  
57 800.04(5)(b), by a term of imprisonment for life.

58 5. Notwithstanding subparagraphs 1.-4., a person who is  
59 convicted under s. 782.04 of an offense that was reclassified as  
60 a life felony, which was committed before the person attained 18  
61 years of age, may be punished by a term of imprisonment for life  
62 or by a term of years equal to life imprisonment if the judge  
63 conducts a sentencing hearing in accordance with s. 921.140 and  
64 finds that life imprisonment or a term of years equal to life  
65 imprisonment is an appropriate sentence.

66 a. A person who participated in the physical killing of  
67 the victim that is sentenced to a term of imprisonment of 20

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68 years or more is entitled to a review of his or her sentence in  
69 accordance with s. 921.1401.

70 b. A person who did not participate in the physical  
71 killing of the victim that is sentenced to a term of  
72 imprisonment of 15 years or more is entitled to a review of his  
73 or her sentence in accordance with s. 921.1401.

74 c. The court shall make a written finding as to whether a  
75 person is eligible for a sentence review hearing under s.  
76 921.1401(2) (b) or 921.1401(2) (c). Such a finding shall be based  
77 upon whether the defendant participated in the physical killing  
78 of the victim. The court is permitted to find that multiple  
79 defendants contributed to the physical killing of the victim.

80 (b)1. For a felony of the first degree, by a term of  
81 imprisonment not exceeding 30 years or, when specifically  
82 provided by statute, by imprisonment for a term of years not  
83 exceeding life imprisonment.

84 2. Notwithstanding subparagraph 1., a person convicted  
85 under s. 782.04 of a first degree felony punishable by a term of  
86 years not exceeding life imprisonment or an offense that was  
87 reclassified as a first degree felony punishable by a term of  
88 years not exceeding life, which was committed before the person  
89 attained 18 years of age, may be punished by a term of years  
90 equal to life imprisonment if the judge conducts a sentencing  
91 hearing in accordance with s. 921.140 and finds that a term of  
92 years equal to life imprisonment is an appropriate sentence.

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93 a. A person who participated in the physical killing of  
94 the victim that is sentenced to a term of imprisonment of 20  
95 years or more is entitled to a review of his or her sentence in  
96 accordance with s. 921.1401.

97 b. A person who did not participate in the physical  
98 killing of the victim that is sentenced to a term of  
99 imprisonment of 15 years or more is entitled to a review of his  
100 or her sentence in accordance with s. 921.1401.

101 c. The court shall make a written finding as to whether a  
102 person is eligible for a sentence review hearing under s.  
103 921.1401(2)(b) or 921.1401(2)(c). Such a finding shall be based  
104 upon whether the defendant participated in the physical killing  
105 of the victim. The court is permitted to find that multiple  
106 defendants contributed to the physical killing of the victim.

107 (c) Notwithstanding paragraphs (a) and (b), a person  
108 convicted of an offense that is not included in s. 782.04, but  
109 which is an offense that is a life felony or is punishable by  
110 term of imprisonment for life or by a term of years not  
111 exceeding life imprisonment, or an offense that was reclassified  
112 as a life felony or an offense punishable by a term of  
113 imprisonment for life or by a term of years not exceeding life  
114 imprisonment, which was committed before the person attained 18  
115 years of age, may be punished by a term of imprisonment for life  
116 or a term of years equal to life imprisonment if the judge  
117 conducts a sentencing hearing in accordance with s. 921.140 and  
118 finds that life imprisonment or a term of years equal to life

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119 imprisonment is an appropriate sentence. A person sentenced to a  
120 term of imprisonment of 20 years or more is entitled to a review  
121 of his or her sentence in accordance with s. 921.1401.

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

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

126 Section 2. Section 921.140, Florida Statutes, is created  
127 to read:

128 921.140 Sentence of life imprisonment for persons who are  
129 under the age of 18 years at the time of the offense; sentencing  
130 proceedings.-

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

137 (2) In determining whether life imprisonment or a term of  
138 years equal to life imprisonment is an appropriate sentence, the  
139 court shall consider factors relevant to the offense and the  
140 defendant's youth and attendant circumstances, including, but  
141 not limited to:

142 (a) The nature and circumstances of the offense committed  
143 by the defendant.

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

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

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

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

153 (f) The extent of the defendant's participation in the  
154 offense.

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

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

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

161 (j) The possibility of rehabilitating the defendant.

162 Section 3. Section 921.1401, Florida Statutes, is created  
163 to read:

164 921.1401 Review of sentences for persons convicted of  
165 specified offenses committed while under the age of 18 years.-

166 (1) For purposes of this section, the term "juvenile  
167 offender" means a person sentenced to imprisonment in the  
168 custody of the Department of Corrections for an offense

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169 committed on or after July 1, 2014, and committed before he or  
170 she attained 18 years of age.

171 (2) (a) A juvenile offender sentenced to a term of  
172 imprisonment for life, a term of years equal to life  
173 imprisonment, or a term of 40 years or more under s.  
174 775.082(1)(b)1. is entitled to a review of his or her sentence  
175 after 25 years.

176 (b) A juvenile offender sentenced to a term of  
177 imprisonment for life, a term of years equal to life  
178 imprisonment, or a term of 20 years or more under s.  
179 775.082(3)(a)5.a., 775.082(3)(b)2.a., or 775.082(3)(c) is  
180 entitled to a review of his or her sentence after 20 years.

181 (c) A juvenile offender sentenced to a term of  
182 imprisonment for life, a term of years equal to life  
183 imprisonment, or a term of 15 years or more under s.  
184 775.082(1)(b)2., 775.082(3)(a)5.b., or 775.082(3)(b)2.b. is  
185 entitled to a review of his or her sentence after 15 years.

186 (3) (a) A juvenile offender who is not resentenced at the  
187 initial sentence review hearing under paragraph (2) (a) is  
188 eligible for one subsequent sentence review hearing 10 years  
189 after the court's initial review.

190 (b) A juvenile offender who is not resentenced at the  
191 initial sentence review hearing under paragraph (2) (b) is  
192 eligible for two subsequent sentence review hearings to occur 10  
193 years and 15 years after the court's initial review.

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194 (c) A juvenile offender who is not resentenced at the  
195 initial sentence review hearing under paragraph (2)(c) is  
196 eligible for two subsequent sentence review hearings to occur at  
197 5 years and 10 years after the court's initial review.

198 (4) The Department of Corrections shall notify a juvenile  
199 offender of his or her eligibility to request a sentence review  
200 hearing 18 months before the juvenile offender is entitled to a  
201 sentence review hearing under this section.

202 (5) A juvenile offender seeking sentence review pursuant  
203 to subsection (2) must submit an application to the court of  
204 original jurisdiction requesting that a sentence review hearing  
205 be held. The juvenile offender must submit a new application to  
206 the court of original jurisdiction to request subsequent  
207 sentence review hearings pursuant to subsection (3). The  
208 sentencing court shall retain original jurisdiction for the  
209 duration of the sentence for this purpose.

210 (6) A juvenile offender who is eligible for a sentence  
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