

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Grant offered the following:

2

3 **Amendment**

4 Remove lines 50-230 and insert:

5 (b)1. A person who actually killed, intended to kill, or  
6 attempted to kill the victim and who is convicted under s.  
7 782.04 of a capital felony or an offense that was reclassified  
8 as a capital felony, which was committed before the person  
9 attained 18 years of age, shall be punished by a term of  
10 imprisonment for life if, after a sentencing hearing conducted  
11 by the court in accordance with s. 921.140, the court finds that  
12 life imprisonment is an appropriate sentence. If the court finds  
13 that life imprisonment is not an appropriate sentence, such  
14 person shall be punished by a term of imprisonment of at least

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15 40 years. A person sentenced pursuant to this subparagraph is  
16 entitled to a review of his or her sentence in accordance with  
17 s. 921.1401(2) (a) .

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

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 s. 921.1401(2) (c) . Such a finding shall be  
32 based upon whether the person actually killed, intended to kill,  
33 or attempted to kill the victim. The court may find that  
34 multiple defendants killed, intended to kill, or attempted to  
35 kill the victim.

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

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

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

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

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

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

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

56 b. For a life felony committed on or after July 1, 2008,  
57 which is a person's second or subsequent violation of s.  
58 800.04(5)(b), by a term of imprisonment for life.

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

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67 a. A person who actually killed, intended to kill, or  
68 attempted to kill the victim and is sentenced to a term of  
69 imprisonment of 20 years or more is entitled to a review of his  
70 or her sentence in accordance with s. 921.1401(2)(b).

71 b. A person who did not actually kill, intend to kill, or  
72 attempt to kill the victim and is sentenced to a term of  
73 imprisonment of 15 years or more is entitled to a review of his  
74 or her sentence in accordance with s. 921.1401(2)(c).

75 c. The court shall make a written finding as to whether a  
76 person is eligible for a sentence review hearing under s.  
77 921.1401(2)(b) or s. 921.1401(2)(c). Such a finding shall be  
78 based upon whether the person actually killed, intended to kill,  
79 or attempted to kill the victim. The court may find that  
80 multiple defendants killed, intended to kill, or attempted to  
81 kill the victim.

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

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

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93 hearing in accordance with s. 921.140 and finds that a term of  
94 years equal to life imprisonment is an appropriate sentence.

95 a. A person who actually killed, intended to kill, or  
96 attempted to kill the victim and is sentenced to a term of  
97 imprisonment of 20 years or more is entitled to a review of his  
98 or her sentence in accordance with s. 921.1401(2) (b).

99 b. A person who did not actually kill, intend to kill, or  
100 attempt to kill the victim and is sentenced to a term of  
101 imprisonment of 15 years or more is entitled to a review of his  
102 or her sentence in accordance with s. 921.1401(2) (c).

103 c. The court shall make a written finding as to whether a  
104 person is eligible for a sentence review hearing under s.  
105 921.1401(2) (b) or s. 921.1401(2) (c). Such a finding shall be  
106 based upon whether the person actually killed, intended to kill,  
107 or attempted to kill the victim. The court may find that  
108 multiple defendants killed, intended to kill, or attempted to  
109 kill the victim.

110 (c) Notwithstanding paragraphs (a) and (b), a person  
111 convicted of an offense that is not included in s. 782.04, but  
112 which is an offense that is a life felony or is punishable by a  
113 term of imprisonment for life or by a term of years not  
114 exceeding life imprisonment, or an offense that was reclassified  
115 as a life felony or an offense punishable by a term of  
116 imprisonment for life or by a term of years not exceeding life  
117 imprisonment, which was committed before the person attained 18  
118 years of age, may be punished by a term of imprisonment for life

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119 or a term of years equal to life imprisonment if the judge  
120 conducts a sentencing hearing in accordance with s. 921.140 and  
121 finds that life imprisonment or a term of years equal to life  
122 imprisonment is an appropriate sentence. A person who is  
123 sentenced to a term of imprisonment of 20 years or more is  
124 entitled to a review of his or her sentence in accordance with  
125 s. 921.1401(2) (b).

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

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

130 Section 2. Section 921.140, Florida Statutes, is created  
131 to read:

132 921.140 Sentence of life imprisonment for persons who are  
133 under the age of 18 years at the time of the offense; sentencing  
134 proceedings.—

135 (1) Upon conviction or adjudication of guilt of an offense  
136 described in s. 775.082(1) (b), s. 775.082(3) (a)5., s.  
137 775.082(3) (b)2., or s. 775.082(3) (c) which was committed on or  
138 after July 1, 2014, the court may conduct a separate sentencing  
139 hearing to determine if a term of imprisonment for life or a  
140 term of years equal to life imprisonment is an appropriate  
141 sentence.

142 (2) In determining whether life imprisonment or a term of  
143 years equal to life imprisonment is an appropriate sentence, the  
144 court shall consider factors relevant to the offense and the

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145 defendant's youth and attendant circumstances, including, but  
146 not limited to:

147 (a) The nature and circumstances of the offense committed  
148 by the defendant.

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

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

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

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

158 (f) The extent of the defendant's participation in the  
159 offense.

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

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

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

166 (j) The possibility of rehabilitating the defendant.

167 Section 3. Section 921.1401, Florida Statutes, is created  
168 to read:

169 921.1401 Review of sentences for persons convicted of  
170 specified offenses committed while under the age of 18 years.-

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

176 (2) (a) A juvenile offender sentenced under s.  
177 775.082(1) (b)1. is entitled to a review of his or her sentence  
178 after 25 years, unless, before the sentence review hearing, such  
179 offender has been adjudicated delinquent or convicted of one the  
180 following offenses, or conspiracy to commit one of the following  
181 offenses:

- 182 1. Murder;
- 183 2. Manslaughter;
- 184 3. Sexual battery;
- 185 4. Armed burglary;
- 186 5. Armed robbery;
- 187 6. Armed carjacking;
- 188 7. Home-invasion robbery;
- 189 8. Human trafficking for commercial sexual activity with a  
190 child under 18 years of age;
- 191 9. False imprisonment under s. 787.02(3) (a); or
- 192 10. Kidnapping.

193 (b) A juvenile offender sentenced to a term of 20 years or  
194 more under s. 775.082(3) (a)5.a., s. 775.082(3) (b)2.a., or s.  
195 775.082(3) (c) is entitled to a review of his or her sentence  
196 after 20 years.

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197        (c) A juvenile offender sentenced to a term of 15 years or  
198 more under s. 775.082(1)(b)2., s. 775.082(3)(a)5.b., or s.  
199 775.082(3)(b)2.b. is entitled to a review of his or her sentence  
200 after 15 years.

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