

HB 881

2015

1 A bill to be entitled
2 An act relating to mandatory minimum sentencing;
3 providing a short title; amending s. 775.087, F.S.;
4 authorizing a judge to impose a sentence of less than
5 the mandatory minimum sentence under certain
6 circumstances; requiring the judge to state in writing
7 the reasons for departing from or adhering to the
8 mandatory minimum sentence; providing factors that the
9 judge must consider in deciding whether to depart from
10 the mandatory minimum sentence; providing an effective
11 date.

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

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15 Section 1. This act may be cited as "The Alexander-Giles
16 Act."

17 Section 2. Subsection (7) is added to section 775.087,
18 Florida Statutes, to read:

19 775.087 Possession or use of weapon; aggravated battery;
20 felony reclassification; minimum sentence.-

21 (7) Notwithstanding any other provision of this section, a
22 judge may impose a sentence less than the mandatory minimum
23 sentence if the unique circumstances of the case indicate that
24 the offender does not pose a threat to the public and the
25 mandatory minimum sentence does not fulfill the goal of
26 punishment and other sentencing criteria.

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27 (a) The judge shall state in writing his or her reasons
28 for departing from or adhering to the mandatory minimum
29 sentence.

30 (b) In deciding whether to depart from the mandatory
31 minimum sentence, the judge must consider factors, including,
32 but not limited, to:

33 1. The defendant's history as a survivor of domestic
34 violence;

35 2. The defendant's mental health; and

36 3. Information presented at trial or sentencing which
37 indicates that imposing the mandatory minimum sentence would
38 frustrate justice or the original legislative intent of this
39 section.

40 Section 3. This act shall take effect July 1, 2015.