

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED      (Y/N)  
 ADOPTED AS AMENDED      (Y/N)  
 ADOPTED W/O OBJECTION      (Y/N)  
 FAILED TO ADOPT      (Y/N)  
 WITHDRAWN      (Y/N)  
 OTHER           

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Wood offered the following:

**Amendment (with title amendment)**

Remove lines 43-104 and insert:

6 (6) "Jurisdiction" means the United States or a state,  
 7 territory, or possession of the United States.

8 (7) "Violent felony" means a felony listed in s.  
 9 775.084(1)(c)1. or s. 948.06(8)(c).

10 (8)~~(4)~~ "Wrongfully incarcerated person" means a person  
 11 whose felony conviction and sentence have been vacated by a  
 12 court of competent jurisdiction and who is the subject of an  
 13 order issued by the original sentencing court pursuant to s.  
 14 961.03, with respect to whom pursuant to the requirements of s.  
 15 961.03, the original sentencing court has issued its order  
 16 finding that the person did not commit ~~neither committed~~ the act  
 17 or ~~nor~~ the offense that served as the basis for the conviction

Amendment No. 1

18 and incarceration and that the person did not aid, abet, or act  
19 as an accomplice or accessory to a person who committed the act  
20 or offense

21 Section 2. Section 961.04, Florida Statutes, is amended to  
22 read:

23 961.04 Eligibility for compensation for wrongful  
24 incarceration.—A wrongfully incarcerated person is not eligible  
25 for compensation under the act if:

26 (1) Before the person's wrongful conviction and  
27 incarceration, the person was convicted of, or pled guilty or  
28 nolo contendere to, regardless of adjudication, ~~any:~~

29 (a) A violent felony offense, or a crime committed in  
30 another jurisdiction, the elements of which would constitute a  
31 violent felony in this state, or a crime committed against the  
32 United States which is designated a felony, excluding any  
33 delinquency disposition;

34 (b) A first degree felony or a second degree felony, or a  
35 crime committed in another jurisdiction, the elements of which  
36 would constitute a first degree felony or a second degree felony  
37 in this state, excluding any delinquency disposition; or

38 (c) Two or more third degree felonies that are not violent  
39 felonies, or two or more crimes committed in another  
40 jurisdiction, the elements of which would constitute third  
41 degree felonies in this state, excluding any delinquency  
42 dispositions.

43 (2) During the person's wrongful incarceration, the person

Amendment No. 1

44 was convicted of, or pled guilty or nolo contendere to,  
45 regardless of adjudication, a:

46 (a) Violent ~~any~~ felony offense;

47 (b) First degree felony or second degree felony; or

48 (c) Two or more third degree felonies that are not violent  
49 felonies.

50 (3) During the person's wrongful incarceration, the person  
51 was also serving a concurrent sentence for another felony for  
52 which the person was not wrongfully convicted.

53 Section 3. Subsection (2) of section 961.06, Florida  
54 Statutes, is amended to read:

55 961.06 Compensation for wrongful incarceration.—

56 (2) In calculating monetary compensation under paragraph  
57 (1) (a), a wrongfully incarcerated person who is placed on parole  
58 or community supervision while serving the sentence resulting  
59 from the wrongful conviction and who commits ~~anything less than~~  
60 a felony law violation that results in revocation of the parole  
61 or community supervision is eligible for compensation for the  
62 total number of years incarcerated only if the violation is not  
63 a felony described under s. 961.04(1). A wrongfully incarcerated  
64 person who commits a felony law violation that results in  
65 revocation of the parole or community supervision is ineligible  
66 for any compensation under subsection (1) if the violation is a  
67 felony described under s. 961.04(1).

68  
69

Amendment No. 1

70  
71  
72  
73  
74  
75  
76  
77  
78

-----

**T I T L E   A M E N D M E N T**

Remove lines 4-12 and insert:

F.S.; defining the terms "jurisdiction" and "violent felony";  
amending s. 961.04, F.S.; revising the circumstances under which  
a person is disqualified from receiving compensation under the  
Victims of Wrongful Incarceration Compensation Act; amending s.  
961.06, F.S.; revising the calculation of compensation for  
wrongful incarceration; providing