

By Senator Campbell

38-01367-17

20171264\_\_

1                                   A bill to be entitled  
 2           An act relating to sentencing for sexual offenses;  
 3           creating s. 794.10, F.S.; prohibiting the grant of  
 4           early release or the suspension of execution or  
 5           imposition of sentence if the victim of a sexual  
 6           offense was prevented from resisting the offense due  
 7           to intoxication or unconsciousness; providing an  
 8           effective date.

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

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 12           Section 1. Section 794.10, Florida Statutes, is created to  
 13 read:

14           794.10 Victim intoxication or unconsciousness; effect.—  
 15 Effective for offenses committed on or after October 1, 2017, a  
 16 person who commits a felony violation of this chapter, excluding  
 17 s. 794.011(10) or s. 800.04, may not be granted probation,  
 18 community control, parole, conditional release, control release,  
 19 or any other form of early release, nor shall the execution or  
 20 imposition of sentence be suspended, if:

21           (1) The victim of the offense was prevented from resisting  
 22 the offense by any intoxicating or anesthetic substance, or any  
 23 controlled substance; or

24           (2) The victim was unconscious or asleep at the time of the  
 25 offense,

26  
 27 and this condition was known, or reasonably should have been  
 28 known, to the offender at the time of the offense.

29           Section 2. This act shall take effect October 1, 2017.