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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/06/2017	.	
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The Committee on Criminal Justice (Bracy) recommended the following:

Senate Amendment (with title amendment)

Between lines 48 and 49

insert:

Section 3. The Legislature finds that the Florida Supreme Court decided in Asay v. State, No. SC16-223, SC16-102, and SC16-628, (Fla., December 22, 2016), that Hurst v. State, No. SC12-1947 (Fla., Oct. 14, 2016), will not apply in cases where the death sentence became final prior to June 24, 2002, the day the U.S. Supreme Court issued its opinion in Ring v. Arizona,



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11 536 U.S. 584 (2002). The Legislature finds that the court's
12 decision not to apply Hurst v. State in the cases of inmates
13 whose death sentences became final prior to June 24, 2002 will
14 result in a miscarriage of justice for those inmates. The
15 Legislature further finds that the retroactive application of
16 Hurst v. State to death row cases where the death sentence
17 became final prior to June 24, 2002 will provide a more just and
18 final resolution in those cases. Therefore, it is the intent of
19 the Legislature that Hurst v. State, No. SC12-1947 (Fla., Oct.
20 14, 2016) apply in cases in which the death sentence became
21 final prior to June 24, 2002.

22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete line 5

26 and insert:

27 sentencing recommendation of death; making Legislative
28 findings; providing Legislative intent regarding
29 retroactive application of Hurst v. State, No. SC12-
30 1947 (Fla., Oct. 14, 2016); reenacting ss.