

By Senator Torres

15-01166-18

20181696__

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 any
4 form of early release and the suspension of execution
5 or 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, 2018, 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,

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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, 2018.