CS for SB 1656

 $\boldsymbol{B}\boldsymbol{y}$ the Committee on Criminal Justice; and Senators Lee and Rouson

<pre>18 read: 19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20 <u>statutes; references in criminal statutes</u> 21 <u>(1) It is the intent of the Legislature that:</u> 22 <u>(a) This section preclude the application of the common law</u> 23 <u>doctrine of abatement to a reenactment or an amendment of a</u> 24 <u>criminal statute; and</u> 25 <u>(b) An act of the Legislature reenacting or amending a</u></pre>		591-03685-19 20191656c1
3775.022, F.S.; providing legislative intent; defining4the term "criminal statute"; specifying that the5reenactment or amendment of a criminal statute6operates prospectively and does not affect or abate7specified circumstances; providing exceptions;8providing that a reference to any other chapter, part,9section, or subdivision of the Florida Statutes in a10criminal statute or a reference within a criminal11statute constitutes a general reference under the12doctrine of incorporation by reference; providing an13effective date.141515Be It Enacted by the Legislature of the State of Florida:16read:17Section 1. Section 775.022, Florida Statutes, is created to18read:19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20statutes; references in criminal statutes21(1) It is the intent of the Legislature that:22(a) This section preclude the application of the common law23(b) An act of the Legislature reenacting or amending a24(b) An act of the Legislature reenacting or amending a25(b) An act of the Legislature a repeal or an implied repeal	1	A bill to be entitled
the term "criminal statute"; specifying that the reenactment or amendment of a criminal statute operates prospectively and does not affect or abate specified circumstances; providing exceptions; providing that a reference to any other chapter, part, section, or subdivision of the Florida Statutes in a criminal statute or a reference within a criminal statute constitutes a general reference under the doctrine of incorporation by reference; providing an effective date. Be It Enacted by the Legislature of the State of Florida: Section 1. Section 775.022, Florida Statutes, is created to read: <u>775.022 Effect of reenactment or amendment of criminal statutes; references in criminal statutes</u> (<u>1) It is the intent of the Legislature that:</u> (a) This section preclude the application of the common law doctrine of abatement to a reenactment or an amendment of a criminal statute; and (b) An act of the Legislature reenacting or amending a criminal statute not be considered a repeal or an implied repeal	2	An act relating to criminal statutes; creating s.
reenactment or amendment of a criminal statute operates prospectively and does not affect or abate specified circumstances; providing exceptions; providing that a reference to any other chapter, part, section, or subdivision of the Florida Statutes in a criminal statute or a reference within a criminal statute constitutes a general reference under the doctrine of incorporation by reference; providing an effective date. Be It Enacted by the Legislature of the State of Florida: Section 1. Section 775.022, Florida Statutes, is created to read: <u>775.022 Effect of reenactment or amendment of criminal statutes; references in criminal statutes.— (1) It is the intent of the Legislature that: (a) This section preclude the application of the common law doctrine of abatement to a reenactment or amendment of a criminal statute; and (b) An act of the Legislature reenacting or amending a criminal statute not be considered a repeal or an implied repeal</u>	3	775.022, F.S.; providing legislative intent; defining
6 operates prospectively and does not affect or abate 7 specified circumstances; providing exceptions; 8 providing that a reference to any other chapter, part, 9 section, or subdivision of the Florida Statutes in a 10 criminal statute or a reference within a criminal 11 statute constitutes a general reference under the 12 doctrine of incorporation by reference; providing an 13 effective date. 14 15 15 Be It Enacted by the Legislature of the State of Florida: 16 read: 17 Section 1. Section 775.022, Florida Statutes, is created to 18 read: 19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20 statutes; references in criminal statutes 21 (1) It is the intent of the Legislature that: 22 (a) This section preclude the application of the common law 23 doctrine of abatement to a reenactment or an amendment of a 23 (b) An act of the Legislature reenacting or amending a 24 criminal statute not be considered a repeal or an implied repeal	4	the term "criminal statute"; specifying that the
7 specified circumstances; providing exceptions; 8 providing that a reference to any other chapter, part, 9 section, or subdivision of the Florida Statutes in a 10 criminal statute or a reference within a criminal 11 statute constitutes a general reference under the 12 doctrine of incorporation by reference; providing an 13 effective date. 14 15 Be It Enacted by the Legislature of the State of Florida: 16 Section 1. Section 775.022, Florida Statutes, is created to 18 read: 19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20 statutes; references in criminal statutes 21 (1) It is the intent of the Legislature that: 22 (a) This section preclude the application of the common law 23 doctrine of abatement to a reenactment or an amendment of a 24 criminal statute; and 25 (b) An act of the Legislature reenacting or amending a 26 criminal statute not be considered a repeal or an implied repeal	5	reenactment or amendment of a criminal statute
8 providing that a reference to any other chapter, part, 9 section, or subdivision of the Florida Statutes in a 10 criminal statute or a reference within a criminal 11 statute constitutes a general reference under the 12 doctrine of incorporation by reference; providing an 13 effective date. 14 15 Be It Enacted by the Legislature of the State of Florida: 16 read: 17 Section 1. Section 775.022, Florida Statutes, is created to 18 read: 19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20 <u>statutes; references in criminal statutes</u> 21 (1) It is the intent of the Legislature that: 22 (a) This section preclude the application of the common law 23 <u>doctrine of abatement to a reenactment or an amendment of a</u> 24 <u>criminal statute; and</u> 25 (b) An act of the Legislature reenacting or amending a 26 <u>criminal statute not be considered a repeal or an implied repeal</u>	6	operates prospectively and does not affect or abate
9 section, or subdivision of the Florida Statutes in a criminal statute or a reference within a criminal statute constitutes a general reference under the doctrine of incorporation by reference; providing an effective date. 14 15 Be It Enacted by the Legislature of the State of Florida: 16 17 Section 1. Section 775.022, Florida Statutes, is created to read: 19 <u>775.022 Effect of reenactment or amendment of criminal</u> statutes; references in criminal statutes 21 (1) It is the intent of the Legislature that: (a) This section preclude the application of the common law doctrine of abatement to a reenactment or an amendment of a criminal statute; and (b) An act of the Legislature reenacting or amending a criminal statute not be considered a repeal or an implied repeal	7	specified circumstances; providing exceptions;
10 criminal statute or a reference within a criminal 11 statute constitutes a general reference under the 12 doctrine of incorporation by reference; providing an 13 effective date. 14 15 15 Be It Enacted by the Legislature of the State of Florida: 16 . 17 Section 1. Section 775.022, Florida Statutes, is created to 18 read: 19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20 statutes; references in criminal statutes 21 (1) It is the intent of the Legislature that: 22 (a) This section preclude the application of the common law 23 doctrine of abatement to a reenactment or an amendment of a 24 criminal statute; and 25 (b) An act of the Legislature reenacting or amending a 26 criminal statute not be considered a repeal or an implied repeal	8	providing that a reference to any other chapter, part,
11 statute constitutes a general reference under the 12 doctrine of incorporation by reference; providing an 13 effective date. 14 15 15 Be It Enacted by the Legislature of the State of Florida: 16 17 17 Section 1. Section 775.022, Florida Statutes, is created to 18 read: 19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20 statutes; references in criminal statutes 21 (1) It is the intent of the Legislature that: 22 (a) This section preclude the application of the common law 23 doctrine of abatement to a reenactment or an amendment of a 24 criminal statute; and 25 (b) An act of the Legislature reenacting or amending a 26 criminal statute not be considered a repeal or an implied repeal	9	section, or subdivision of the Florida Statutes in a
12 doctrine of incorporation by reference; providing an 13 effective date. 14 15 15 Be It Enacted by the Legislature of the State of Florida: 16 . 17 Section 1. Section 775.022, Florida Statutes, is created to 18 read: 19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20 statutes; references in criminal statutes 21 (1) It is the intent of the Legislature that: 22 (a) This section preclude the application of the common law 23 doctrine of abatement to a reenactment or an amendment of a 24 criminal statute; and 25 (b) An act of the Legislature reenacting or amending a 26 criminal statute not be considered a repeal or an implied repeal	10	criminal statute or a reference within a criminal
<pre>13 effective date. 14 15 Be It Enacted by the Legislature of the State of Florida: 16 17 Section 1. Section 775.022, Florida Statutes, is created to 18 read: 19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20 <u>statutes; references in criminal statutes</u> 21 (1) It is the intent of the Legislature that: 22 (a) This section preclude the application of the common law 23 <u>doctrine of abatement to a reenactment or an amendment of a</u> 24 <u>criminal statute; and</u> 25 (b) An act of the Legislature reenacting or amending a 26 criminal statute not be considered a repeal or an implied repeal</pre>	11	statute constitutes a general reference under the
Be It Enacted by the Legislature of the State of Florida: Section 1. Section 775.022, Florida Statutes, is created to read: <u>775.022 Effect of reenactment or amendment of criminal</u> statutes; references in criminal statutes (1) It is the intent of the Legislature that: (a) This section preclude the application of the common law doctrine of abatement to a reenactment or an amendment of a criminal statute; and (b) An act of the Legislature reenacting or amending a criminal statute not be considered a repeal or an implied repeal	12	doctrine of incorporation by reference; providing an
Be It Enacted by the Legislature of the State of Florida: Section 1. Section 775.022, Florida Statutes, is created to read: <u>775.022 Effect of reenactment or amendment of criminal</u> statutes; references in criminal statutes (1) It is the intent of the Legislature that: (a) This section preclude the application of the common law doctrine of abatement to a reenactment or an amendment of a (b) An act of the Legislature reenacting or amending a criminal statute not be considered a repeal or an implied repeal	13	effective date.
16 17 Section 1. Section 775.022, Florida Statutes, is created to 18 read: 19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20 <u>statutes; references in criminal statutes</u> 21 <u>(1) It is the intent of the Legislature that:</u> 22 <u>(a) This section preclude the application of the common law</u> 23 <u>doctrine of abatement to a reenactment or an amendment of a</u> 24 <u>criminal statute; and</u> 25 <u>(b) An act of the Legislature reenacting or amending a</u> 26 <u>criminal statute not be considered a repeal or an implied repeal</u>	14	
Section 1. Section 775.022, Florida Statutes, is created to read: <u>775.022 Effect of reenactment or amendment of criminal</u> <u>statutes; references in criminal statutes</u> <u>(1) It is the intent of the Legislature that:</u> <u>(a) This section preclude the application of the common law</u> <u>doctrine of abatement to a reenactment or an amendment of a</u> <u>criminal statute; and</u> <u>(b) An act of the Legislature reenacting or amending a</u> <u>criminal statute not be considered a repeal or an implied repeal</u>	15	Be It Enacted by the Legislature of the State of Florida:
read: <u>775.022 Effect of reenactment or amendment of criminal</u> <u>statutes; references in criminal statutes</u> (1) It is the intent of the Legislature that: (a) This section preclude the application of the common law <u>doctrine of abatement to a reenactment or an amendment of a</u> <u>doctrine of abatement to a reenactment or an amendment of a</u> (b) An act of the Legislature reenacting or amending a <u>criminal statute not be considered a repeal or an implied repeal</u>	16	
19 <u>775.022 Effect of reenactment or amendment of criminal</u> 20 <u>statutes; references in criminal statutes</u> 21 <u>(1) It is the intent of the Legislature that:</u> 22 <u>(a) This section preclude the application of the common law</u> 23 <u>doctrine of abatement to a reenactment or an amendment of a</u> 24 <u>criminal statute; and</u> 25 <u>(b) An act of the Legislature reenacting or amending a</u> 26 <u>criminal statute not be considered a repeal or an implied repeal</u>	17	Section 1. Section 775.022, Florida Statutes, is created to
20 <u>statutes; references in criminal statutes</u> 21 (1) It is the intent of the Legislature that: (a) This section preclude the application of the common law 23 doctrine of abatement to a reenactment or an amendment of a 24 <u>criminal statute; and</u> 25 (b) An act of the Legislature reenacting or amending a 26 <u>criminal statute not be considered a repeal or an implied repeal</u>	18	read:
21 (1) It is the intent of the Legislature that: (a) This section preclude the application of the common law 23 doctrine of abatement to a reenactment or an amendment of a 24 criminal statute; and 25 (b) An act of the Legislature reenacting or amending a 26 criminal statute not be considered a repeal or an implied repeal	19	775.022 Effect of reenactment or amendment of criminal
(a) This section preclude the application of the common law doctrine of abatement to a reenactment or an amendment of a criminal statute; and (b) An act of the Legislature reenacting or amending a criminal statute not be considered a repeal or an implied repeal	20	statutes; references in criminal statutes
23 <u>doctrine of abatement to a reenactment or an amendment of a</u> 24 <u>criminal statute; and</u> 25 <u>(b) An act of the Legislature reenacting or amending a</u> 26 <u>criminal statute not be considered a repeal or an implied repeal</u>	21	(1) It is the intent of the Legislature that:
24 <u>criminal statute; and</u> 25 <u>(b) An act of the Legislature reenacting or amending a</u> 26 <u>criminal statute not be considered a repeal or an implied repeal</u>		(a) This section preclude the application of the common law
25 <u>(b) An act of the Legislature reenacting or amending a</u> 26 <u>criminal statute not be considered a repeal or an implied repeal</u>		doctrine of abatement to a reenactment or an amendment of a
26 <u>criminal statute not be considered a repeal or an implied repeal</u>	24	criminal statute; and
	25	(b) An act of the Legislature reenacting or amending a
27 of such statute for purposes of s. 9, Art. X of the State	26	criminal statute not be considered a repeal or an implied repeal
	27	of such statute for purposes of s. 9, Art. X of the State
28 <u>Constitution</u> .		
29 (2) As used in this section, the term "criminal statute"	29	(2) As used in this section, the term "criminal statute"

Page 1 of 2

CODING: Words stricken are deletions; words underlined are additions.

591-03685-19 20191656c1 30 means a statute, whether substantive or procedural, dealing in 31 any way with a crime or its punishment, defining a crime or a 32 defense to a crime, or providing for the punishment of a crime. 33 (3) Except as expressly provided in an act of the 34 Legislature or as provided in subsections (4) and (5) the 35 reenactment or amendment of a criminal statute operates 36 prospectively and does not affect or abate any of the following: 37 (a) The prior operation of the statute or a prosecution or 38 enforcement thereunder. 39 (b) A violation of the statute based on any act or omission 40 occurring before the effective date of the act. 41 (c) A prior penalty, prior forfeiture, or prior punishment 42 incurred or imposed under the statute. 43 (4) If a penalty, forfeiture, or punishment for a violation 44 of a criminal statute is reduced by a reenactment or an 45 amendment of a criminal statute, the penalty, forfeiture, or 46 punishment, if not already imposed, must be imposed according to 47 the statute as amended. (5) This section shall not apply to limit the retroactive 48 49 effect of any defense to a criminal statute enacted or amended 50 by the Legislature to any criminal case that has not yet reached final judgment. 51 52 (6) A reference to any other chapter, part, section, or 53 subdivision of the Florida Statutes in a criminal statute or a reference within a criminal statute constitutes a general 54 55 reference under the doctrine of incorporation by reference. 56 Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

CODING: Words stricken are deletions; words underlined are additions.

CS for SB 1656