

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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

Amendment (with directory and title amendments)

Remove lines 18-89 and insert:

6 (1) (a) 1. The unlawful killing of a human being, ~~+~~
 7 ~~1.~~ when perpetrated from a premeditated design to effect
 8 the death of the person killed or any human being is murder in
 9 the first degree and constitutes a capital felony, punishable as
 10 provided in s. 775.082. ~~+~~

11 2. (b) In all cases under this paragraph, the procedure set
 12 forth in s. 921.141 shall be followed in order to determine
 13 sentence of death or life imprisonment. If the prosecutor
 14 intends to seek the death penalty, the prosecutor must give
 15 notice to the defendant and file the notice with the court
 16 within 45 days after arraignment. The notice must contain a list

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17 of the aggravating factors the state intends to prove and has
18 reason to believe it can prove beyond a reasonable doubt. The
19 court may allow the prosecutor to amend the notice upon a
20 showing of good cause.

21 (b)2- The unlawful killing of a human being:

22 1. When committed by a person engaged in the perpetration
23 of, or in the attempt to perpetrate, any:

- 24 a. Trafficking offense prohibited by s. 893.135(1),
- 25 b. Arson,
- 26 c. Sexual battery,
- 27 d. Robbery,
- 28 e. Burglary,
- 29 f. Kidnapping,
- 30 g. Escape,
- 31 h. Aggravated child abuse,
- 32 i. Aggravated abuse of an elderly person or disabled
- 33 adult,
- 34 j. Aircraft piracy,
- 35 k. Unlawful throwing, placing, or discharging of a
- 36 destructive device or bomb,
- 37 l. Carjacking,
- 38 m. Home-invasion robbery,
- 39 n. Aggravated stalking,
- 40 o. Murder of another human being,

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- 41 p. Resisting an officer with violence to his or her
42 person,
- 43 q. Aggravated fleeing or eluding with serious bodily
44 injury or death,
- 45 r. Felony that is an act of terrorism or is in furtherance
46 of an act of terrorism, including a felony under s. 775.30, s.
47 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- 48 s. Human trafficking; or
- 49 ~~2.3.~~ Which resulted from the unlawful distribution by a
50 person 18 years of age or older of any of the following
51 substances, or mixture containing any of the following
52 substances, when such substance or mixture is proven to be the
53 proximate cause of the death of the user:
- 54 a. A substance controlled under s. 893.03(1);
- 55 b. Cocaine, as described in s. 893.03(2)(a)4.;
- 56 c. Opium or any synthetic or natural salt, compound,
57 derivative, or preparation of opium;
- 58 d. Methadone;
- 59 e. Alfentanil, as described in s. 893.03(2)(b)1.;
- 60 f. Carfentanil, as described in s. 893.03(2)(b)6.;
- 61 g. Fentanyl, as described in s. 893.03(2)(b)9.;
- 62 h. Sufentanil, as described in s. 893.03(2)(b)30.; or
- 63 i. Methamphetamine, as described in s. 893.03(2)(c)5.; or

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64 j. A controlled substance analog, as described in s.
65 893.0356, of any substance specified in sub-subparagraphs a.-i.
66 ~~a.-h.~~,

67
68 is murder in the first degree, punishable as a life and
69 ~~constitutes a capital felony, punishable as provided in s.~~
70 775.082, s. 775.083, or s. 775.084.

71 ~~(b) In all cases under this section, the procedure set~~
72 ~~forth in s. 921.141 shall be followed in order to determine~~
73 ~~sentence of death or life imprisonment. If the prosecutor~~
74 ~~intends to seek the death penalty, the prosecutor must give~~
75 ~~notice to the defendant and file the notice with the court~~
76 ~~within 45 days after arraignment. The notice must contain a list~~
77 ~~of the aggravating factors the state intends to prove and has~~
78 ~~reason to believe it can prove beyond a reasonable doubt. The~~
79 ~~court may allow the prosecutor to amend the notice upon a~~
80 ~~showing of good cause.~~

81 (4) The unlawful killing of a human being, when
82 perpetrated without any design to effect death, by a person
83 engaged in the perpetration of, or in the attempt to perpetrate,
84 any felony other than any:

85 (1) Unlawful distribution of any substance listed in sub-
86 subparagraphs (1)(b)2.a.-j. ~~controlled under s. 893.03(1),~~
87 ~~cocaine as described in s. 893.03(2)(a)4., or opium or any~~
88 ~~synthetic or natural salt, compound, derivative, or preparation~~

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89 ~~of opium~~ by a person 18 years of age or older, when such
90 substance drug is proven to be the proximate cause of the death
91 of the user,

92
93 is murder in the third degree and constitutes a felony of the
94 second degree, punishable as provided in s. 775.082, s. 775.083,
95 or s. 775.084.

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D I R E C T O R Y A M E N D M E N T

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Remove lines 14-16 and insert:

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Section 1. Subsection (1) and paragraph (1) of subsection

101

(4) of section 782.04, Florida Statutes, are amended to read:

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T I T L E A M E N D M E N T

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Remove lines 4-6 and insert:

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constitute murder in the first degree; revising the

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penalty for certain first degree murder offenses;

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conforming provisions to changes made by the act;

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amending