

By Senator Torres

25-01416-23

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1                   A bill to be entitled  
2       An act relating to sentencing calculations; amending  
3       s. 921.0024, F.S.; providing that sentence points  
4       expire after a specified period and cannot be used in  
5       calculations; amending s. 924.051, F.S.; authorizing  
6       individuals to petition for new sentencing  
7       calculations due to changes in the law in certain  
8       circumstances; providing an 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. Subsection (8) is added to section 921.0024,  
13       Florida Statutes, to read:

14       921.0024 Criminal Punishment Code; worksheet computations;  
15       scoresheets.—

16       (8) Ten years after a defendant has completed the  
17       incarceration portion of his or her sentence for an offense, the  
18       sentence points assigned for that offense expire and may not be  
19       included in any sentencing calculations or used to enhance  
20       sentencing.

21       Section 2. Paragraph (d) is added to subsection (6) of  
22       section 924.051, Florida Statutes, to read:

23       924.051 Terms and conditions of appeals and collateral  
24       review in criminal cases.—

25       (6) In a noncapital case, a petition or motion for  
26       collateral or other postconviction relief may not be considered  
27       if it is filed more than 2 years after the judgment and sentence  
28       became final, unless the petition or motion alleges that:

29       (d) Notwithstanding s. 775.022, if the sentence points

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30 assessed for a particular offense for which an individual was  
31 assigned points have been reduced or any other part of the  
32 sentencing calculation used when sentencing for particular  
33 offenses has been changed by a new statute, the individual may  
34 petition the sentencing court for a new sentencing calculation  
35 under the revised provisions.

36 Section 3. This act shall take effect July 1, 2023.