

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gantt offered the following:

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3 **Amendment (with directory and title amendments)**

4 Between lines 98 and 99, insert:

5 (6) AGGRAVATING FACTORS.—Aggravating factors shall be
6 limited to the following:

7 ~~(a) The capital felony was committed by a person~~
8 ~~previously convicted of a felony and under sentence of~~
9 ~~imprisonment or placed on community control or on felony~~
10 ~~probation.~~

11 ~~(b) The defendant was previously convicted of another~~
12 ~~capital felony or of a felony involving the use or threat of~~
13 ~~violence to the person.~~

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14 ~~(a)-(e)~~ The defendant knowingly created a great risk of
15 death to many persons.

16 ~~(d)~~ The capital felony was committed while the defendant
17 was engaged, or was an accomplice, in the commission of, or an
18 attempt to commit, or flight after committing or attempting to
19 commit, any: robbery; sexual battery; aggravated child abuse;
20 abuse of an elderly person or disabled adult resulting in great
21 bodily harm, permanent disability, or permanent disfigurement;
22 arson; burglary; kidnapping; aircraft piracy; or unlawful
23 throwing, placing, or discharging of a destructive device or
24 bomb.

25 ~~(b)-(e)~~ The capital felony was committed for the purpose of
26 avoiding or preventing a lawful arrest or effecting an escape
27 from custody.

28 ~~(c)-(f)~~ The capital felony was committed for pecuniary
29 gain.

30 ~~(d)-(g)~~ The capital felony was committed to disrupt or
31 hinder the lawful exercise of any governmental function or the
32 enforcement of laws.

33 ~~(e)-(h)~~ The capital felony was especially heinous,
34 atrocious, or cruel.

35 ~~(f)-(i)~~ The capital felony was a homicide and was committed
36 in a cold, calculated, and premeditated manner without any
37 pretense of moral or legal justification.

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38 ~~(g)-(j)~~ The victim of the capital felony was a law
39 enforcement officer engaged in the performance of his or her
40 official duties.

41 ~~(h)-(k)~~ The victim of the capital felony was an elected or
42 appointed public official engaged in the performance of his or
43 her official duties if the motive for the capital felony was
44 related, in whole or in part, to the victim's official capacity.

45 ~~(i)-(l)~~ The victim of the capital felony was a person less
46 than 12 years of age.

47 ~~(j)-(m)~~ The victim of the capital felony was particularly
48 vulnerable due to advanced age or disability, or because the
49 defendant stood in a position of familial or custodial authority
50 over the victim.

51 ~~(k)-(n)~~ The capital felony was committed by a criminal gang
52 member, as defined in s. 874.03.

53 ~~(l)-(o)~~ The capital felony was committed by a person
54 designated as a sexual predator pursuant to s. 775.21 or a
55 person previously designated as a sexual predator who had the
56 sexual predator designation removed.

57 ~~(m)-(p)~~ The capital felony was committed by a person
58 subject to an injunction issued pursuant to s. 741.30 or s.
59 784.046, or a foreign protection order accorded full faith and
60 credit pursuant to s. 741.315, and was committed against the
61 petitioner who obtained the injunction or protection order or
62 any spouse, child, sibling, or parent of the petitioner.

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

Remove line 26 and insert:
Section 1. Subsections (2), (3), (4), and (6) of section

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

Remove lines 2-3 and insert:
An act relating to the death penalty; amending s.
921.141, F.S.; requiring a determination of a
specified number of jurors, rather than jury
unanimity, for a sentencing recommendation of death to
the court; requiring a determination of a specified
number of jurors, rather than jury unanimity, for a
sentencing recommendation of life imprisonment without
the possibility of parole to the court; requiring the
court to impose the recommended sentence of life
imprisonment without the possibility of parole if
fewer than eight jurors recommend a sentence of death;
authorizing the court to impose a sentence of life
imprisonment without the possibility of parole or a
sentence of death if at least eight jurors recommend a
sentence of death; specifying that the court may

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88 | impose a sentence of death only if the jury
89 | unanimously finds at least one aggravating factor
90 | beyond a reasonable doubt; requiring the court to
91 | include in its written order the reasons for not
92 | accepting the jury's recommended sentence, if
93 | applicable; removing specified aggravating factors;
94 | amending s. 921.142, F.S.; requiring a determination

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