

1                   A bill to be entitled  
 2           An act relating to juvenile sentencing; amending s.  
 3           775.082, F.S.; providing criminal sentences applicable  
 4           to a person who was under the age of 18 years at the  
 5           time an offense was committed; requiring that a judge  
 6           consider certain factors before determining whether  
 7           life imprisonment is an appropriate sentence;  
 8           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. Subsections (1) and (3) of section 775.082,  
 13 Florida Statutes, are amended to read:

14           775.082 Penalties; applicability of sentencing structures;  
 15 mandatory minimum sentences for certain reoffenders previously  
 16 released from prison.-

17           (1) (a) Except as provided in paragraph (b), a person who  
 18 has been convicted of a capital felony shall be punished by  
 19 death if the proceeding held to determine sentence according to  
 20 the procedure set forth in s. 921.141 results in findings by the  
 21 court that such person shall be punished by death, otherwise  
 22 such person shall be punished by life imprisonment and shall be  
 23 ineligible for parole.

24           (b) A person who is convicted of a capital felony, or an  
 25 offense that was reclassified as a capital felony, that was  
 26 committed before the person was 18 years of age shall be  
 27 punished by life imprisonment and is ineligible for parole if  
 28 the judge at a mandatory sentencing hearing concludes that life

29 imprisonment is an appropriate sentence. In determining whether  
30 life imprisonment is an appropriate sentence, the judge shall  
31 consider factors relevant to the offense and to the defendant's  
32 age and attendant circumstances, including, but not limited to:

33 1. The nature and circumstances of the offense committed  
34 by the defendant.

35 2. The effect of the crime on the victim's family and on  
36 the community.

37 3. The defendant's age, maturity, intellectual capacity,  
38 and mental and emotional health at the time of the offense.

39 4. The defendant's background, including his or her  
40 family, home, and community environment.

41 5. The effect, if any, of immaturity, impetuosity, or  
42 failure to appreciate risks and consequences on the defendant's  
43 participation in the offense.

44 6. The extent of the defendant's participation in the  
45 offense.

46 7. The effect, if any, of familial pressure or peer  
47 pressure on the defendant's actions.

48 8. The nature and extent of the defendant's prior criminal  
49 history.

50 9. The effect, if any, of characteristics attributable to  
51 the defendant's age on the defendant's judgment at the time of  
52 the offense.

53 10. The possibility of rehabilitating the defendant.

54  
55 If the judge concludes that life imprisonment is not an  
56 appropriate sentence, the defendant shall be punished by

57 | imprisonment for a term of not less than 50 years.

58 | (3) A person who has been convicted of any other  
59 | designated felony may be punished as follows:

60 | (a)1. For a life felony committed before ~~prior to~~ October  
61 | 1, 1983, by a term of imprisonment for life or for a term of  
62 | years not less than 30.

63 | 2. For a life felony committed on or after October 1,  
64 | 1983, by a term of imprisonment for life or by a term of  
65 | imprisonment not exceeding 40 years.

66 | 3. Except as provided in subparagraph 4., for a life  
67 | felony committed on or after July 1, 1995, by a term of  
68 | imprisonment for life or by imprisonment for a term of years not  
69 | exceeding life imprisonment.

70 | 4.a. Except as provided in sub-subparagraph b., for a life  
71 | felony committed on or after September 1, 2005, which is a  
72 | violation of s. 800.04(5)(b), by:

73 | (I) A term of imprisonment for life; or

74 | (II) A split sentence that is a term of not less than 25  
75 | years' imprisonment and not exceeding life imprisonment,  
76 | followed by probation or community control for the remainder of  
77 | the person's natural life, as provided in s. 948.012(4).

78 | b. For a life felony committed on or after July 1, 2008,  
79 | which is a person's second or subsequent violation of s.  
80 | 800.04(5)(b), by a term of imprisonment for life.

81 | 5. Notwithstanding subparagraphs 1.-4., a person convicted  
82 | under s. 782.04 for an offense that was reclassified as a life  
83 | felony that was committed before the person was 18 years of age  
84 | is eligible to be punished by a term of imprisonment for life or

85 by a term of years equal to life imprisonment if the judge at a  
86 mandatory sentencing hearing considers factors relevant to the  
87 offense and to the defendant's age and attendant circumstances,  
88 including, but not limited to, the factors listed in paragraph  
89 (1) (b), and concludes that imprisonment for life or a term of  
90 years equal to life imprisonment is an appropriate sentence.

91 (b)1. For a felony of the first degree, by a term of  
92 imprisonment not exceeding 30 years or, when specifically  
93 provided by statute, by imprisonment for a term of years not  
94 exceeding life imprisonment.

95 2. Notwithstanding subparagraph 1., a person convicted  
96 under s. 782.04 of a first-degree felony punishable by a term of  
97 years not exceeding life imprisonment, or an offense that was  
98 reclassified as a first-degree felony punishable by a term of  
99 years not exceeding life, that was committed before the person  
100 was 18 years of age is eligible for a term of years equal to  
101 life imprisonment if the judge at a mandatory sentencing hearing  
102 considers factors relevant to the offense and to the defendant's  
103 age and attendant circumstances, including, but not limited to,  
104 the factors listed in paragraph (1) (b), and concludes that a  
105 term of years equal to life imprisonment is an appropriate  
106 sentence.

107 (c) For a felony of the second degree, by a term of  
108 imprisonment not exceeding 15 years.

109 (d) For a felony of the third degree, by a term of  
110 imprisonment not exceeding 5 years.

111 (e) Notwithstanding paragraphs (a)-(d), for an offense  
112 committed on or after July 1, 2013, a person convicted of a life

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113 | felony or an offense punishable by a term of years not exceeding  
114 | life imprisonment, other than an offense listed in s. 782.04, or  
115 | an offense, other than an offense listed in s. 782.04, that was  
116 | reclassified as a life felony or an offense punishable by a term  
117 | of years not exceeding life, that was committed before the  
118 | person was 18 years of age shall be punished by a term of  
119 | imprisonment not to exceed 50 years.

120 |       Section 2. This act shall take effect July 1, 2013.