

CS/HB 555 – Sentencing Proceedings in Death Penalty Cases

This bill amends s. 921.141, F.S. and s. 921.142, F.S., deleting the requirement that a sentence of death should be made by a unanimous recommendation of the jury and replacing it with the recommendation of at least eight jurors after a defendant's conviction or adjudication of guilt for a capital felony or capital drug trafficking felony. Furthermore, "if fewer than eight jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole." Currently, a recommendation of the death penalty from a unanimous jury would still allow for the court to make the final decision regarding this sentence, with the option of still imposing a life sentence, whereas a recommendation of a life sentence by the unanimous jury must be imposed. Under this new language, "if the jury has recommended a sentence of...death, the court shall impose the recommended sentence of death." Therefore, the court would no longer have the option to make a final decision on the defendant receiving a death sentence or life imprisonment.

Per DOC, 3 inmates were admitted to the prison system in FY 18-19 with a death sentence and 378 inmates were admitted with a life sentence. In FY 19-20, 2 inmates received a death sentence, with 286 receiving life sentences. In FY 20-21, 2 inmates received a death sentence, with 101 receiving life sentences, and in FY 21-22, 3 inmates were admitted who received death sentences and 295 received life sentences. Over the years since the initial change to the requirement for a unanimous jury, death sentences saw a decline in their share of the total number admitted to prison. With the change in this percentage, an average of roughly 8 fewer inmates were admitted to death row per year, prior to FY 19-20, where it dropped to an average of 6 fewer per year.

Furthermore, those inmates executed in FY 17-18, FY 18-19, and FY 19-20 averaged 27 years in prison, with the shortest time between initial incarceration and execution being 20 years. Assuming that future inmates on death row would have similar time in prison, any impact on prison beds should not be felt for at least a decade.

CONFERENCE ADOPTED ESTIMATE: No Impact within Forecast Window

Requested by: House