

SB 330 – Sentencing in Capital Felonies (Identical HB 157)

This bill amends s. 921.141, F.S. and s. 921.142, F.S., deleting the recommendation of a majority of the jury and requiring that an advisory sentence of death should be made by a unanimous recommendation of the jury after a defendant's conviction or adjudication of guilt for a capital felony or capital drug trafficking felony. The jury must also be instructed that in order for the death penalty recommendation to be made, the jury must find that sufficient aggravating circumstances exist which outweigh the mitigating circumstances found to exist, and that each aggravating circumstance used to support the recommendation must be proven beyond a reasonable doubt by a unanimous vote. The court's findings concerning aggravating circumstances should also be limited to those found by the jury.

Per DOC, 9 inmates were admitted to the prison system in FY14-15 with a death sentence and 384 inmates were admitted with a life sentence. Furthermore, those inmates executed in FY 13-14 and FY 14-15 averaged over 22 years in prison, with the shortest time between initial incarceration and execution being over 14 years. Assuming that future inmates would be sentenced to life 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