

## **SB 892 – Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals**

This bill amends s. 775.084, F.S., relating to habitual felony offenders, habitual violent felony offenders, three-time violent felony offenders, and violent career criminals, deleting specific language in the definition for each, while streamlining that language for the entire section with the following: “A conviction for which the defendant has been pardoned or which has been reversed on appeal or set aside in a postconviction proceeding is not a conviction for purposes of this section.” Thus, this bill preserves the exceptions for when prior convictions cannot apply in determining whether an offender fits one of these types of categories. However, this language also includes convictions which have been reversed on appeal as exceptions as well. It also deletes the following language: “Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable to the extent normally applicable to similar findings.” These deletions apply to all offender types, while also deleting similar language for violent career criminal sentences, where they are only permitted direct appeal. Therefore, this language strengthens an appeal prior to sentencing for these offender types and after sentencing them for these offender types.

Per DOC, in FY 24-25, there were 1,241 admissions to prison for these offender types, with 1,020 Habitual Felony Offenders, 237 Habitual Violent Felony Offenders, 23 Violent Career Criminals, and one Three-time Felony Offender. The magnitude of the impact on the prison population from the changes to the appeals process is not known, though it will likely have a negative effect on the population.

**CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate**

**Requested by: Senate**