

By Senator Bullard

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1 A bill to be entitled
2 An act relating to DNA evidence; creating the
3 "Sentencing Procedures Applying Reasonable Evidence
4 (SPARE) Act"; providing legislative intent; defining
5 terms; requiring the state to administer a DNA test
6 before imposing the death penalty on a convicted
7 felon; providing exceptions; providing an effective
8 date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. (1) This act may be cited as the "Sentencing
13 Procedures Applying Reasonable Evidence (SPARE) Act."

14 (2) It is the intent of the Legislature, if it is at all
15 possible, to prevent the wrongful incarceration and execution of
16 an individual innocent of the crime charged and to alleviate the
17 financial burden placed on taxpayers by the lengthy appeals
18 process for individuals who may be later exonerated.

19 (3) As used in this section, the term:

20 (a) "Accused" means an individual against whom a criminal
21 action is brought.

22 (b) "Confession" means a written or oral statement
23 acknowledging guilt by an accused of an offense.

24 (c) "DNA testing" means DNA testing administered to the
25 accused.

26 (d) "Exonerated" means the freeing or clearing of a
27 convicted defendant from an accusation of guilt of a crime of
28 which the defendant is accused.

29 (e) "Technological evidence" means evidence that furnishes

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30 proof through an advanced or sophisticated device, including a
31 video camera.

32 (4) (a) Except as provided in paragraph (b), the state may
33 not impose the death penalty upon a defendant convicted of
34 aggravated first-degree murder unless DNA testing evidence is
35 introduced and assists in the conviction of the accused.

36 (b) The death penalty may be imposed without DNA testing
37 and DNA evidence if:

38 1. The accused has executed a confession acknowledging
39 guilt of the crime for which the accused has been charged; or

40 2. Technological evidence exists showing that the accused
41 committed the offense charged.

42 Section 2. This act shall take effect July 1, 2014.