



261344

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment to Amendment (271420)

Delete lines 1083 - 1120

and insert:

vendor, a county detention facility following incarceration for
an offense for which the sentence pronounced was a prison
sentence, or ~~within 3 years after being released from a
correctional institution of another state, the District of
Columbia, the United States, any possession or territory of the
United States, or any foreign jurisdiction, following~~



261344

11 incarceration for an offense for which the sentence is
12 punishable by more than 1 year in this state.

13 2. "Prison releasee reoffender" also means any defendant
14 who commits or attempts to commit any offense listed in sub-
15 subparagraphs (a)1.a.-r. while the defendant was serving a
16 prison sentence or on escape status from a state correctional
17 facility operated by the Department of Corrections or a private
18 vendor or while the defendant was on escape status from a
19 correctional institution of another state, the District of
20 Columbia, the United States, any possession or territory of the
21 United States, or any foreign jurisdiction, following
22 incarceration for an offense for which the sentence is
23 punishable by more than 1 year in this state.

24 3. If the state attorney determines that a defendant is a
25 prison releasee reoffender as defined in subparagraph 1., the
26 state attorney may seek to have the court sentence the defendant
27 as a prison releasee reoffender. Upon proof from the state
28 attorney that establishes by a preponderance of the evidence
29 that a defendant is a prison releasee reoffender as defined in
30 this section, such defendant is not eligible for sentencing
31 under the sentencing guidelines and must be sentenced as
32 follows:

33 a. For a felony punishable by life, by a term of
34 imprisonment for life;

35 b. For a felony of the first degree, by a term of
36 imprisonment of 30 years;

37 c. For a felony of the second degree, by a term of
38 imprisonment of 15 years; and

39 d. For a felony of the third degree, by a term of



261344

40 imprisonment of 5 years.

41 (d)1. It is the intent of the Legislature that offenders
42 previously released from prison or a county detention facility
43 following incarceration for an offense for which the sentence
44 pronounced was a prison sentence who meet the criteria in