

HB 1477

2022

1 A bill to be entitled

2 An act relating to access to DNA evidence and review  
3 in capital cases; providing legislative findings and  
4 intent; amending s. 921.142, F.S.; requiring a de novo  
5 review of evidence in certain death penalty cases;  
6 amending s. 925.11, F.S.; providing that defendants  
7 sentenced to death has right to access DNA evidence  
8 without interference from specified offices; providing  
9 an effective date.

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

12  
13 Section 1. The Legislature finds that the State of Florida  
14 leads the nation in exonerations of persons sentenced in capital  
15 cases. The intent of this act is to enable every potentially  
16 innocent individual sentenced in a capital case to exhaust every  
17 opportunity to prove his or her innocence and preserve life.

18 Section 2. Subsection (6) of section 921.142, Florida  
19 Statutes, is amended to read:

20 921.142 Sentence of death or life imprisonment for capital  
21 drug trafficking felonies; further proceedings to determine  
22 sentence.—

23 (6) REVIEW OF JUDGMENT AND SENTENCE.—The judgment of  
24 conviction and sentence of death shall be subject to automatic  
25 review and disposition rendered by the Supreme Court of Florida

HB 1477

2022

26 | within 2 years after the filing of a notice of appeal. Such  
27 | review by the Supreme Court shall have priority over all other  
28 | cases and shall be heard in accordance with rules promulgated by  
29 | the Supreme Court. The court shall review the evidence de novo  
30 | if no physical evidence was presented and the conviction and  
31 | sentence were largely based on witness testimony.

32 | Section 3. Subsection (4) of section 925.11, Florida  
33 | Statutes, is renumbered as subsection (5), and a new subsection  
34 | (4) is added to that section, to read:

35 | 925.11 Postsentencing DNA testing.—

36 | (4) PERSONS SENTENCED TO DEATH.—Notwithstanding any other  
37 | provision of law, a person charged with a capital offense shall  
38 | maintain his or her right to access DNA evidence without  
39 | interference from the Attorney General or a state attorney.

40 | Section 4. This act shall take effect July 1, 2022.