

**Bill Summary**  
2nd Session of the 57<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB 1408</b>
<b>Version:</b>	<b>FS1</b>
<b>Request No.:</b>	<b>4005</b>
<b>Author:</b>	<b>Sen. Daniels</b>
<b>Date:</b>	<b>03/09/2020</b>

**Floor Substitute (FS)**

The FS for SB 1408 requires a defendant to be sentenced by a jury before a new sentencing jury is impaneled unless jury resentencing is waived by the defendant and the prosecutor. The FS also provides for a defendant to affirmatively waive resentencing before the appropriate trial court within 90 days of the appellate court order remanding for resentencing and prior to the commencement of the resentencing hearing or trial. The defendant may not waive resentencing on an appeal or petition for a writ of extraordinary relief sought by the prosecution or if the original sentence was unlawful.

Prepared by: Kalen Taylor