

By Senator Thurston

33-01434-18

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1                   A bill to be entitled  
2           An act relating to reclassification of offenses  
3           involving certain firearms or firearm accessories;  
4           amending s. 775.087, F.S.; providing for  
5           reclassification of offenses a person commits while  
6           possessing a weapon or firearm capable of holding more  
7           than 13 rounds of ammunition, possessing two or more  
8           firearms, or possessing a firearm and specified  
9           accessories; defining the term "bump-fire stock";  
10          reenacting s. 921.0022(2), F.S., relating to the  
11          reclassification of the degree of certain felonies, to  
12          incorporate the amendment made to s. 775.087, F.S., in  
13          a reference thereto; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Subsection (1) of section 775.087, Florida  
18 Statutes, is amended to read:

19           775.087 Possession or use of weapon; aggravated battery;  
20 felony reclassification; minimum sentence.—

21           (1) (a) Unless otherwise provided by law, whenever a person  
22 is charged with a felony, except a felony in which the use of a  
23 weapon or firearm is an essential element, and during the  
24 commission of such felony the defendant carries, displays, uses,  
25 threatens to use, or attempts to use any weapon or firearm, or  
26 during the commission of such felony the defendant commits an  
27 aggravated battery, the felony for which the person is charged  
28 shall be reclassified as follows:

29           1. (a) In the case of a felony of the first degree, to a

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30 life felony.

31 2.~~(b)~~ In the case of a felony of the second degree, to a  
32 felony of the first degree.

33 3.~~(e)~~ In the case of a felony of the third degree, to a  
34 felony of the second degree.

35 (b)1. In addition to any other classification of an offense  
36 provided by law, whenever a person commits a misdemeanor or  
37 felony, and during the commission of such offense the person  
38 carries, displays, uses, threatens to use, or attempts to use a  
39 weapon or firearm capable of holding 13 or more rounds of  
40 ammunition without the necessity of reloading, the person  
41 possesses two or more firearms, the person possesses a firearm  
42 with a bump-fire stock, or the person possesses a firearm and  
43 more than one firearm magazine capable of being used in the  
44 firearm, the offense for which the person is charged shall be  
45 reclassified as follows:

46 a. In the case of a felony of the first degree, to a life  
47 felony.

48 b. In the case of a felony of the second degree, to a  
49 felony of the first degree.

50 c. In the case of a felony of the third degree, to a felony  
51 of the second degree.

52 d. In the case of a misdemeanor of the first degree, to a  
53 felony of the third degree.

54 e. In the case of a misdemeanor of the second degree, to a  
55 misdemeanor of the first degree.

56 2. As used in this paragraph, the term "bump-fire stock"  
57 means a gun conversion kit, a tool, an accessory, or a device  
58 used to alter the rate of fire of a firearm to mimic automatic

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59 weapon fire or which is used to increase the rate of fire of a  
60 semiautomatic firearm to a faster rate than is possible for a  
61 person to fire such semiautomatic firearm unassisted by a kit, a  
62 tool, an accessory, or a device.

63  
64 For purposes of sentencing under chapter 921 and determining  
65 incentive gain-time eligibility under chapter 944, a felony  
66 offense which is reclassified under this subsection ~~section~~ is  
67 ranked one level above the ranking under s. 921.0022 or s.  
68 921.0023 of the felony offense committed.

69 Section 2. For the purpose of incorporating the amendment  
70 made by this act to section 775.087, Florida Statutes, in a  
71 reference thereto, subsection (2) of section 921.0022, Florida  
72 Statutes, is reenacted to read:

73 921.0022 Criminal Punishment Code; offense severity ranking  
74 chart.—

75 (2) The offense severity ranking chart has 10 offense  
76 levels, ranked from least severe, which are level 1 offenses, to  
77 most severe, which are level 10 offenses, and each felony  
78 offense is assigned to a level according to the severity of the  
79 offense. For purposes of determining which felony offenses are  
80 specifically listed in the offense severity ranking chart and  
81 which severity level has been assigned to each of these  
82 offenses, the numerical statutory references in the left column  
83 of the chart and the felony degree designations in the middle  
84 column of the chart are controlling; the language in the right  
85 column of the chart is provided solely for descriptive purposes.  
86 Reclassification of the degree of the felony through the  
87 application of s. 775.0845, s. 775.085, s. 775.0861, s.

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88 775.0862, s. 775.0863, s. 775.087, s. 775.0875, s. 794.023, or  
89 any other law that provides an enhanced penalty for a felony  
90 offense, to any offense listed in the offense severity ranking  
91 chart in this section shall not cause the offense to become  
92 unlisted and is not subject to the provisions of s. 921.0023.

93 Section 3. This act shall take effect October 1, 2018.