

268-236X-38

Bill No. HB 1269

Amendment No. ____ (TECHNICAL AMENDMENT)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Rules, Resolutions, & Ethics offered the following:

Technical Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.--"Vehicular homicide" is the killing of a human being, or the killing of an unborn quick child by any injury to the mother of such child which would be vehicular homicide if it resulted in the death of such mother, by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another. Vehicular homicide is:

(1) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(a) At the time of the accident, the person knew, or

1 should have known, that the accident occurred; and

2 (b) The person failed to give information and render
3 aid as required by s. 316.062.

4
5 This subsection does not require that the person knew that the
6 accident resulted in injury or death.

7 Section 2. For the purpose of incorporating the
8 amendment to section 782.071, Florida Statutes, in references
9 thereto, the sections or subdivisions of Florida Statutes set
10 forth below are reenacted to read:

11 921.0022 Criminal Punishment Code; offense severity
12 ranking chart.--

13 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
316.193	2nd	(h) LEVEL 8 DUI manslaughter.
(3)(c)3.a.	2nd	Vessel BUI manslaughter.
327.35(3)(c)3.	1st	Accessory after the fact, capital felony.
777.03(2)(a)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.04(4)		

31

1	782.071(2)	2nd	Committing vehicular homicide and
2			failing to render aid or give
3			information.
4	782.072(2)	2nd	Committing vessel homicide and
5			failing to render aid or give
6			information.
7	790.161(3)	1st	Discharging a destructive device
8			which results in bodily harm or
9			property damage.
10	794.011(5)	2nd	Sexual battery, victim 12 years
11			or over, offender does not use
12			physical force likely to cause
13			serious injury.
14	806.01(1)	1st	Maliciously damage dwelling or
15			structure by fire or explosive,
16			believing person in structure.
17	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
18	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
19			or dangerous weapon.
20	810.02(2)(c)	1st	Burglary of a dwelling or
21			structure causing structural
22			damage or \$1,000 or more property
23			damage.
24	812.13(2)(b)	1st	Robbery with a weapon.
25	812.135(2)	1st	Home-invasion robbery.
26	825.102(2)	2nd	Aggravated abuse of an elderly
27			person or disabled adult.
28	825.103(2)(a)	1st	Exploiting an elderly person or
29			disabled adult and property is
30			valued at \$100,000 or more.
31	827.03(2)	2nd	Aggravated child abuse.

1	860.121(2)(c)	1st	Shooting at or throwing any
2			object in path of railroad
3			vehicle resulting in great bodily
4			harm.
5	860.16	1st	Aircraft piracy.
6	893.13(1)(b)	1st	Sell or deliver in excess of 10
7			grams of any substance specified
8			in s. 893.03(1)(a) or (b).
9	893.13(2)(b)	1st	Purchase in excess of 10 grams of
10			any substance specified in s.
11			893.03(1)(a) or (b).
12	893.13(6)(c)	1st	Possess in excess of 10 grams of
13			any substance specified in s.
14			893.03(1)(a) or (b).
15	893.135(1)(a)2.	1st	Trafficking in cannabis, more
16			than 2,000 lbs., less than 10,000
17			lbs.
18	893.135		
19	(1)(b)1.b.	1st	Trafficking in cocaine, more than
20			200 grams, less than 400 grams.
21	893.135		
22	(1)(c)1.b.	1st	Trafficking in illegal drugs,
23			more than 14 grams, less than 28
24			grams.
25	893.135		
26	(1)(d)1.b.	1st	Trafficking in phencyclidine,
27			more than 200 grams, less than
28			400 grams.
29	893.135		
30	(1)(e)1.b.	1st	Trafficking in methaqualone, more
31			than 5 kilograms, less than 25

1 kilograms.

2 893.135

3 (1)(f)1.b. 1st Trafficking in amphetamine, more

4 than 28 grams, less than 200

5 grams.

6 895.03(1) 1st Use or invest proceeds derived

7 from pattern of racketeering

8 activity.

9 895.03(2) 1st Acquire or maintain through

10 racketeering activity any

11 interest in or control of any

12 enterprise or real property.

13 895.03(3) 1st Conduct or participate in any

14 enterprise through pattern of

15 racketeering activity.

16 960.03 Definitions.--As used in ss. 960.01-960.28,

17 unless the context otherwise requires, the term:

18 (3) "Crime" means:

19 (a) A felony or misdemeanor offense committed by

20 either an adult or a juvenile which results in physical injury

21 or death. The term also includes any such criminal act which

22 is committed within this state but which falls exclusively

23 within federal jurisdiction.

24 (b) A violation of s. 316.193, s. 316.027(1), or s.

25 782.071(2), which results in physical injury or death;

26 however, no other act involving the operation of a motor

27 vehicle, boat, or aircraft which results in injury or death

28 shall constitute a crime for the purpose of this chapter

29 unless the injury or death was intentionally inflicted through

30 the use of such vehicle, boat, or aircraft or unless such

31 vehicle, boat, or aircraft is an implement of a crime to which

1 this act applies.

2 (c) A criminal act committed outside of this state
3 against a resident of this state that would have been
4 compensable if it had occurred in this state and that occurred
5 in a state that does not have an eligible crime victim
6 compensation program as the term is defined in the federal
7 Victims of Crime Act of 1984.

8 (d) An act of mass violence or an act of international
9 terrorism, as defined in 18 U.S.C. s. 2331, that is committed
10 outside of the territorial boundaries of the United States
11 upon a resident of this state, when such act results in
12 physical injury or death and the person is not eligible for
13 compensation under Title VIII of the Omnibus Diplomatic
14 Security and Antiterrorism Act of 1986.

15 Section 3. Paragraph (g) of subsection (3) of section
16 921.0022, Florida Statutes, is amended to read:

17 921.0022 Criminal Punishment Code; offense severity
18 ranking chart.--

19 (3) OFFENSE SEVERITY RANKING CHART

21 Florida Statute	Felony Degree	Description
		(g) LEVEL 7
25 316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
27 327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
29 409.920(2)	3rd	Medicaid provider fraud.
30 494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the

1			total money and property
2			unlawfully obtained exceeded
3			\$50,000 and there were five or
4			more victims.
5	782.07(1)	2nd	Killing of a human being by the
6			act, procurement, or culpable
7			negligence of another
8			(manslaughter).
9	782.071	3rd	Killing of human being <u>or unborn</u>
10			<u>child</u> by the operation of a motor
11			vehicle in a reckless manner
12			(vehicular homicide).
13	782.072	3rd	Killing of a human being by the
14			operation of a vessel in a
15			reckless manner (vessel
16			homicide).
17	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
18			causing great bodily harm or
19			disfigurement.
20	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
21			weapon.
22	784.045(1)(b)	2nd	Aggravated battery; perpetrator
23			aware victim pregnant.
24	784.048(4)	3rd	Aggravated stalking; violation of
25			injunction or court order.
26	784.07(2)(d)	1st	Aggravated battery on law
27			enforcement officer.
28	784.08(2)(a)	1st	Aggravated battery on a person 65
29			years of age or older.
30	784.081(1)	1st	Aggravated battery on specified
31			official or employee.

1	784.082(1)	1st	Aggravated battery by detained
2			person on visitor or other
3			detainee.
4	790.07(4)	1st	Specified weapons violation
5			subsequent to previous conviction
6			of s. 790.07(1) or (2).
7	790.16(1)	1st	Discharge of a machine gun under
8			specified circumstances.
9	796.03	2nd	Procuring any person under 16
10			years for prostitution.
11	800.04	2nd	Handle, fondle, or assault child
12			under 16 years in lewd,
13			lascivious, or indecent manner.
14	806.01(2)	2nd	Maliciously damage structure by
15			fire or explosive.
16	810.02(3)(a)	2nd	Burglary of occupied dwelling;
17			unarmed; no assault or battery.
18	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
19			unarmed; no assault or battery.
20	810.02(3)(d)	2nd	Burglary of occupied conveyance;
21			unarmed; no assault or battery.
22	812.014(2)(a)	1st	Property stolen, valued at
23			\$100,000 or more; property stolen
24			while causing other property
25			damage; 1st degree grand theft.
26	812.019(2)	1st	Stolen property; initiates,
27			organizes, plans, etc., the theft
28			of property and traffics in
29			stolen property.
30	812.133(2)(b)	1st	Carjacking; no firearm, deadly
31			weapon, or other weapon.

1	825.102(3)(b)	2nd	Neglecting an elderly person or
2			disabled adult causing great
3			bodily harm, disability, or
4			disfigurement.
5	825.1025(2)	2nd	Lewd or lascivious battery upon
6			an elderly person or disabled
7			adult.
8	825.103(2)(b)	2nd	Exploiting an elderly person or
9			disabled adult and property is
10			valued at \$20,000 or more, but
11			less than \$100,000.
12	827.03(3)(b)	2nd	Neglect of a child causing great
13			bodily harm, disability, or
14			disfigurement.
15	827.04(4)	3rd	Impregnation of a child under 16
16			years of age by person 21 years
17			of age or older.
18	872.06	2nd	Abuse of a dead human body.
19	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
20			cocaine (or other s.
21			893.03(1)(a), (1)(b), (1)(d),
22			(2)(a), or (2)(b) drugs) within
23			1,000 feet of a school.
24	893.13(4)(a)	1st	Deliver to minor cocaine (or
25			other s. 893.03(1)(a), (1)(b),
26			(1)(d), (2)(a), or (2)(b) drugs).
27	893.135(1)(a)1.	1st	Trafficking in cannabis, more
28			than 50 lbs., less than 2,000
29			lbs.
30	893.135		
31	(1)(b)1.a.	1st	Trafficking in cocaine, more than

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Amendment No. ____ (TECHNICAL AMENDMENT)

1 respectively, to incorporate said amendment in
2 references; amending s. 921.0022, F.S.,
3 relating to the Criminal Punishment Code
4 offense
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