

By Representative Healey

1 A bill to be entitled
2 An act relating to vehicular homicide; amending
3 s. 782.071, F.S.; redefining the offense of
4 "vehicular homicide" to include the killing of
5 an unborn quick child by any injury to the
6 mother which would be vehicular homicide if it
7 resulted in the death of the mother; providing
8 penalties; reenacting ss. 921.0012(3)(h) and
9 960.03(3), F.S., relating to the offense
10 severity ranking chart and the definition of
11 "crime" with respect to the Florida Crimes
12 Compensation Act, respectively, to incorporate
13 said amendment in references; amending s.
14 921.0012, F.S., relating to the offense
15 severity ranking chart, to conform terminology;
16 providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Section 782.071, Florida Statutes, 1996
21 Supplement, is amended to read:

22 782.071 Vehicular homicide.--"Vehicular homicide" is
23 the killing of a human being, or the killing of an unborn
24 quick child by any injury to the mother of such child which
25 would be vehicular homicide if it resulted in the death of
26 such mother,by the operation of a motor vehicle by another in
27 a reckless manner likely to cause the death of, or great
28 bodily harm to, another. Vehicular homicide is:

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

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

3 (a) At the time of the accident, the person knew, or
4 should have known, that the accident occurred; and

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

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8 This subsection does not require that the person knew that the
9 accident resulted in injury or death.

10 Section 2. For the purpose of incorporating the
11 amendment to section 782.071, Florida Statutes, 1996
12 Supplement, in references thereto, the sections or
13 subdivisions of Florida Statutes set forth below are reenacted
14 to read:

15 921.0012 Sentencing guidelines offense levels; offense
16 severity ranking chart.--

17 (3) OFFENSE SEVERITY RANKING CHART

18 Florida Statute	Felony Degree	Description
21		(h) LEVEL 8
22 316.193		
23 (3)(c)3.a.	2nd	DUI manslaughter.
24 327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
25 777.03(2)(a)	1st	Accessory after the fact, capital 26 felony.

1	782.04(4)	2nd	Killing of human without design
2			when engaged in act or attempt of
3			any felony other than arson,
4			sexual battery, robbery,
5			burglary, kidnapping, aircraft
6			piracy, or unlawfully discharging
7			bomb.
8	782.071(2)	2nd	Committing vehicular homicide and
9			failing to render aid or give
10			information.
11	782.072(2)	2nd	Committing vessel homicide and
12			failing to render aid or give
13			information.
14	790.161(3)	1st	Discharging a destructive device
15			which results in bodily harm or
16			property damage.
17	794.011(5)	2nd	Sexual battery, victim 12 years
18			or over, offender does not use
19			physical force likely to cause
20			serious injury.
21	806.01(1)	1st	Maliciously damage dwelling or
22			structure by fire or explosive,
23			believing person in structure.
24	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
25	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
26			or dangerous weapon.
27	810.02(2)(c)	1st	Burglary of a dwelling or
28			structure causing structural
29			damage or \$1,000 or more property
30			damage.
31	812.13(2)(b)	1st	Robbery with a weapon.

1	812.135(2)	1st	Home-invasion robbery.
2	825.102(2)	2nd	Aggravated abuse of an elderly
3			person or disabled adult.
4	825.103(2)(a)	1st	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$100,000 or more.
7	827.03(2)	2nd	Aggravated child abuse.
8	860.121(2)(c)	1st	Shooting at or throwing any
9			object in path of railroad
10			vehicle resulting in great bodily
11			harm.
12	860.16	1st	Aircraft piracy.
13	893.13(1)(b)	1st	Sell or deliver in excess of 10
14			grams of any substance specified
15			in s. 893.03(1)(a) or (b).
16	893.13(2)(b)	1st	Purchase in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.13(6)(c)	1st	Possess in excess of 10 grams of
20			any substance specified in s.
21			893.03(1)(a) or (b).
22	893.135(1)(a)2.	1st	Trafficking in cannabis, more
23			than 2,000 lbs., less than 10,000
24			lbs.
25	893.135		
26	(1)(b)1.b.	1st	Trafficking in cocaine, more than
27			200 grams, less than 400 grams.
28	893.135		
29	(1)(c)1.b.	1st	Trafficking in illegal drugs,
30			more than 14 grams, less than 28
31			grams.

1	893.135(1)(d)2.	1st	Trafficking in phencyclidine,
2			more than 200 grams, less than
3			400 grams.
4	893.135(1)(e)2.	1st	Trafficking in methaqualone, more
5			than 5 kilograms, less than 25
6			kilograms.
7	893.135(1)(f)2.	1st	Trafficking in amphetamine, more
8			than 28 grams, less than 200
9			grams.
10	895.03(1)	1st	Use or invest proceeds derived
11			from pattern of racketeering
12			activity.
13	895.03(2)	1st	Acquire or maintain through
14			racketeering activity any
15			interest in or control of any
16			enterprise or real property.
17	895.03(3)	1st	Conduct or participate in any
18			enterprise through pattern of
19			racketeering activity.

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21 960.03 Definitions.--As used in ss. 960.01-960.28,
22 unless the context otherwise requires, the term:

23 (3) "Crime" means the commission by any person,
24 including a juvenile offender, of a felony or misdemeanor
25 offense punishable under the laws of this state, which results
26 in physical injury or death. The term also includes any such
27 criminal act which is committed within this state but which
28 falls exclusively within federal jurisdiction. "Crime" also
29 includes any violation of s. 316.193, s. 316.027(2), or s.
30 782.071(2), which results in physical injury or death;
31 however, no other act involving the operation of a motor

1 vehicle, boat, or aircraft which results in injury or death
2 shall constitute a crime for the purpose of this chapter
3 unless the injury or death was intentionally inflicted through
4 the use of such vehicle, boat, or aircraft or unless such
5 vehicle, boat, or aircraft is an implement of a crime to which
6 this act applies. "Crime" also includes any such criminal act
7 committed outside of this state against a resident of this
8 state that would have been compensable if it had occurred in
9 this state and that occurred in a state that does not have an
10 eligible crime victim compensation program as the term is
11 defined in the federal Victims of Crime Act of 1984.

12 Section 3. Paragraph (g) of subsection (3) of section
13 921.0012, Florida Statutes, 1996 Supplement, is amended to
14 read:

15 921.0012 Sentencing guidelines offense levels; offense
16 severity ranking chart.--

17 (3) OFFENSE SEVERITY RANKING CHART

18 Florida Statute	19 Felony Degree	20 Description
		21 (g) LEVEL 7
22 316.193(3)(c)2.	3rd	23 DUI resulting in serious bodily injury.
24 327.35(3)(c)2.	3rd	25 Vessel BUI resulting in serious bodily injury.
26 409.920(2)	3rd	27 Medicaid provider fraud.

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1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	782.07(1)	2nd	Killing of a human being by the
8			act, procurement, or culpable
9			negligence of another
10			(manslaughter).
11	782.071(1)	3rd	Killing of human being <u>or unborn</u>
12			<u>child</u> by the operation of a motor
13			vehicle in a reckless manner
14			(vehicular homicide).
15	782.072(1)	3rd	Killing of a human being by the
16			operation of a vessel in a
17			reckless manner (vessel
18			homicide).
19	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
20			causing great bodily harm or
21			disfigurement.
22	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
23			weapon.
24	784.045(1)(b)	2nd	Aggravated battery; perpetrator
25			aware victim pregnant.
26	784.048(4)	3rd	Aggravated stalking; violation of
27			injunction or court order.
28	784.07(2)(d)	1st	Aggravated battery on law
29			enforcement officer.
30	784.08(2)(a)	1st	Aggravated battery on a person 65
31			years of age or older.

1	784.081(1)	1st	Aggravated battery on specified
2			official or employee.
3	784.082(1)	1st	Aggravated battery by detained
4			person on visitor or other
5			detainee.
6	790.07(4)	1st	Specified weapons violation
7			subsequent to previous conviction
8			of s. 790.07(1) or (2).
9	790.16(1)	1st	Discharge of a machine gun under
10			specified circumstances.
11	796.03	2nd	Procuring any person under 16
12			years for prostitution.
13	800.04	2nd	Handle, fondle, or assault child
14			under 16 years in lewd,
15			lascivious, or indecent manner.
16	806.01(2)	2nd	Maliciously damage structure by
17			fire or explosive.
18	810.02(3)(a)	2nd	Burglary of occupied dwelling;
19			unarmed; no assault or battery.
20	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
21			unarmed; no assault or battery.
22	810.02(3)(d)	2nd	Burglary of occupied conveyance;
23			unarmed; no assault or battery.
24	812.014(2)(a)	1st	Property stolen, valued at
25			\$100,000 or more; property stolen
26			while causing other property
27			damage; 1st degree grand theft.
28	812.019(2)	1st	Stolen property; initiates,
29			organizes, plans, etc., the theft
30			of property and traffics in
31			stolen property.

1	812.133(2)(b)	1st	Carjacking; no firearm, deadly
2			weapon, or other weapon.
3	825.102(3)(b)	2nd	Neglecting an elderly person or
4			disabled adult causing great
5			bodily harm, disability, or
6			disfigurement.
7	825.1025(2)	2nd	Lewd or lascivious battery upon
8			an elderly person or disabled
9			adult.
10	825.103(2)(b)	2nd	Exploiting an elderly person or
11			disabled adult and property is
12			valued at \$20,000 or more, but
13			less than \$100,000.
14	827.03(3)(b)	2nd	Neglect of a child causing great
15			bodily harm, disability, or
16			disfigurement.
17	827.04(4)	3rd	Impregnation of a child under 16
18			years of age by person 21 years
19			of age or older.
20	872.06	2nd	Abuse of a dead human body.
21	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
22			cocaine (or other s.
23			893.03(1)(a), (1)(b), (1)(d),
24			(2)(a), or (2)(b) drugs) within
25			1,000 feet of a school.
26	893.13(4)(a)	1st	Deliver to minor cocaine (or
27			other s. 893.03(1)(a), (1)(b),
28			(1)(d), (2)(a), or (2)(b) drugs).
29	893.135(1)(a)1.	1st	Trafficking in cannabis, more
30			than 50 lbs., less than 2,000
31			lbs.

- 1 893.135
2 (1)(b)1.a. 1st Trafficking in cocaine, more than
3 28 grams, less than 200 grams.
4 893.135
5 (1)(c)1.a. 1st Trafficking in illegal drugs,
6 more than 4 grams, less than 14
7 grams.
8 893.135
9 (1)(d)1. 1st Trafficking in phencyclidine,
10 more than 28 grams, less than 200
11 grams.
12 893.135(1)(e)1. 1st Trafficking in methaqualone, more
13 than 200 grams, less than 5
14 kilograms.
15 893.135(1)(f)1. 1st Trafficking in amphetamine, more
16 than 14 grams, less than 28
17 grams.

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19 Section 4. This act shall take effect October 1, 1997,
20 and shall apply to offenses committed on or after that date.

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23 HOUSE SUMMARY

24 Redefines the offense of "vehicular homicide" to include
25 the killing of an unborn quick child by any injury to the
26 mother which would be vehicular homicide if it resulted
27 in the death of the mother. Provides penalties.
28 Conforms terminology in the offense severity ranking
29 chart.
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