

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 a viable fetus by any injury to the mother
6 which would be vehicular homicide if it
7 resulted in the death of the mother; providing
8 a right of action for civil damages; providing
9 a definition; providing penalties; reenacting
10 ss. 921.0022(3)(h) and 960.03(3), F.S.,
11 relating to the Criminal Punishment Code
12 offense severity ranking chart and the
13 definition of "crime" with respect to the
14 Florida Crimes Compensation Act, respectively,
15 to incorporate said amendment in references;
16 amending s. 921.0022, F.S., relating to the
17 Criminal Punishment Code offense severity
18 ranking chart, to conform terminology;
19 providing an effective date.

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

22
23 Section 1. Section 782.071, Florida Statutes, is
24 amended to read:

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

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

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

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

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

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10 This subsection does not require that the person knew that the
11 accident resulted in injury or death. A right of action for
12 civil damages shall exist under s. 768.19, under all
13 circumstances, for all deaths described in this section. For
14 the purposes of this section, a "viable fetus" is defined as
15 that point in time when the fetus becomes capable of
16 meaningful life outside the womb through standard medical
17 measures.

18 Section 2. For the purpose of incorporating the
19 amendment to section 782.071, Florida Statutes, in references
20 thereto, the sections or subdivisions of Florida Statutes set
21 forth below are reenacted to read:

22 921.0022 Criminal Punishment Code; offense severity
23 ranking chart.--

24 (3) OFFENSE SEVERITY RANKING CHART

25			
26	Florida	Felony	
27	Statute	Degree	Description
28			
29			(h) LEVEL 8
30	316.193		
31	(3)(c)3.a.	2nd	DUI manslaughter.

1	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
2	777.03(2)(a)	1st	Accessory after the fact, capital
3			felony.
4	782.04(4)	2nd	Killing of human without design
5			when engaged in act or attempt of
6			any felony other than arson,
7			sexual battery, robbery,
8			burglary, kidnapping, aircraft
9			piracy, or unlawfully discharging
10			bomb.
11	782.071(2)	2nd	Committing vehicular homicide and
12			failing to render aid or give
13			information.
14	782.072(2)	2nd	Committing vessel homicide and
15			failing to render aid or give
16			information.
17	790.161(3)	1st	Discharging a destructive device
18			which results in bodily harm or
19			property damage.
20	794.011(5)	2nd	Sexual battery, victim 12 years
21			or over, offender does not use
22			physical force likely to cause
23			serious injury.
24	806.01(1)	1st	Maliciously damage dwelling or
25			structure by fire or explosive,
26			believing person in structure.
27	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
28	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
29			or dangerous weapon.
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1	810.02(2)(c)	1st	Burglary of a dwelling or
2			structure causing structural
3			damage or \$1,000 or more property
4			damage.
5	812.13(2)(b)	1st	Robbery with a weapon.
6	812.135(2)	1st	Home-invasion robbery.
7	825.102(2)	2nd	Aggravated abuse of an elderly
8			person or disabled adult.
9	825.103(2)(a)	1st	Exploiting an elderly person or
10			disabled adult and property is
11			valued at \$100,000 or more.
12	827.03(2)	2nd	Aggravated child abuse.
13	860.121(2)(c)	1st	Shooting at or throwing any
14			object in path of railroad
15			vehicle resulting in great bodily
16			harm.
17	860.16	1st	Aircraft piracy.
18	893.13(1)(b)	1st	Sell or deliver in excess of 10
19			grams of any substance specified
20			in s. 893.03(1)(a) or (b).
21	893.13(2)(b)	1st	Purchase in excess of 10 grams of
22			any substance specified in s.
23			893.03(1)(a) or (b).
24	893.13(6)(c)	1st	Possess in excess of 10 grams of
25			any substance specified in s.
26			893.03(1)(a) or (b).
27	893.135(1)(a)2.	1st	Trafficking in cannabis, more
28			than 2,000 lbs., less than 10,000
29			lbs.
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1 893.135
2 (1)(b)1.b. 1st Trafficking in cocaine, more than
3 200 grams, less than 400 grams.
4 893.135
5 (1)(c)1.b. 1st Trafficking in illegal drugs,
6 more than 14 grams, less than 28
7 grams.
8 893.135
9 (1)(d)1.b. 1st Trafficking in phencyclidine,
10 more than 200 grams, less than
11 400 grams.
12 893.135
13 (1)(e)1.b. 1st Trafficking in methaqualone, more
14 than 5 kilograms, less than 25
15 kilograms.
16 893.135
17 (1)(f)1.b. 1st Trafficking in amphetamine, more
18 than 28 grams, less than 200
19 grams.
20 895.03(1) 1st Use or invest proceeds derived
21 from pattern of racketeering
22 activity.
23 895.03(2) 1st Acquire or maintain through
24 racketeering activity any
25 interest in or control of any
26 enterprise or real property.
27 895.03(3) 1st Conduct or participate in any
28 enterprise through pattern of
29 racketeering activity.
30 960.03 Definitions.--As used in ss. 960.01-960.28,
31 unless the context otherwise requires, the term:

1 (3) "Crime" means:

2 (a) A felony or misdemeanor offense committed by
3 either an adult or a juvenile which results in physical injury
4 or death. The term also includes any such criminal act which
5 is committed within this state but which falls exclusively
6 within federal jurisdiction.

7 (b) A violation of s. 316.193, s. 316.027(1), or s.
8 782.071(2), which results in physical injury or death;
9 however, no other act involving the operation of a motor
10 vehicle, boat, or aircraft which results in injury or death
11 shall constitute a crime for the purpose of this chapter
12 unless the injury or death was intentionally inflicted through
13 the use of such vehicle, boat, or aircraft or unless such
14 vehicle, boat, or aircraft is an implement of a crime to which
15 this act applies.

16 (c) A criminal act committed outside of this state
17 against a resident of this state that would have been
18 compensable if it had occurred in this state and that occurred
19 in a state that does not have an eligible crime victim
20 compensation program as the term is defined in the federal
21 Victims of Crime Act of 1984.

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

29 Section 3. Paragraph (g) of subsection (3) of section
30 921.0022, Florida Statutes, is amended to read:

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1	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
2			causing great bodily harm or
3			disfigurement.
4	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
5			weapon.
6	784.045(1)(b)	2nd	Aggravated battery; perpetrator
7			aware victim pregnant.
8	784.048(4)	3rd	Aggravated stalking; violation of
9			injunction or court order.
10	784.07(2)(d)	1st	Aggravated battery on law
11			enforcement officer.
12	784.08(2)(a)	1st	Aggravated battery on a person 65
13			years of age or older.
14	784.081(1)	1st	Aggravated battery on specified
15			official or employee.
16	784.082(1)	1st	Aggravated battery by detained
17			person on visitor or other
18			detainee.
19	790.07(4)	1st	Specified weapons violation
20			subsequent to previous conviction
21			of s. 790.07(1) or (2).
22	790.16(1)	1st	Discharge of a machine gun under
23			specified circumstances.
24	796.03	2nd	Procuring any person under 16
25			years for prostitution.
26	800.04	2nd	Handle, fondle, or assault child
27			under 16 years in lewd,
28			lascivious, or indecent manner.
29	806.01(2)	2nd	Maliciously damage structure by
30			fire or explosive.
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1	810.02(3)(a)	2nd	Burglary of occupied dwelling;
2			unarmed; no assault or battery.
3	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(d)	2nd	Burglary of occupied conveyance;
6			unarmed; no assault or battery.
7	812.014(2)(a)	1st	Property stolen, valued at
8			\$100,000 or more; property stolen
9			while causing other property
10			damage; 1st degree grand theft.
11	812.019(2)	1st	Stolen property; initiates,
12			organizes, plans, etc., the theft
13			of property and traffics in
14			stolen property.
15	812.133(2)(b)	1st	Carjacking; no firearm, deadly
16			weapon, or other weapon.
17	825.102(3)(b)	2nd	Neglecting an elderly person or
18			disabled adult causing great
19			bodily harm, disability, or
20			disfigurement.
21	825.1025(2)	2nd	Lewd or lascivious battery upon
22			an elderly person or disabled
23			adult.
24	825.103(2)(b)	2nd	Exploiting an elderly person or
25			disabled adult and property is
26			valued at \$20,000 or more, but
27			less than \$100,000.
28	827.03(3)(b)	2nd	Neglect of a child causing great
29			bodily harm, disability, or
30			disfigurement.
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1	827.04(4)	3rd	Impregnation of a child under 16
2			years of age by person 21 years
3			of age or older.
4	872.06	2nd	Abuse of a dead human body.
5	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
6			cocaine (or other s.
7			893.03(1)(a), (1)(b), (1)(d),
8			(2)(a), or (2)(b) drugs) within
9			1,000 feet of a school.
10	893.13(4)(a)	1st	Deliver to minor cocaine (or
11			other s. 893.03(1)(a), (1)(b),
12			(1)(d), (2)(a), or (2)(b) drugs).
13	893.135(1)(a)1.	1st	Trafficking in cannabis, more
14			than 50 lbs., less than 2,000
15			lbs.
16	893.135		
17	(1)(b)1.a.	1st	Trafficking in cocaine, more than
18			28 grams, less than 200 grams.
19	893.135		
20	(1)(c)1.a.	1st	Trafficking in illegal drugs,
21			more than 4 grams, less than 14
22			grams.
23	893.135		
24	(1)(d)1.	1st	Trafficking in phencyclidine,
25			more than 28 grams, less than 200
26			grams.
27	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
28			than 200 grams, less than 5
29			kilograms.
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1 893.135(1)(f)1. 1st Trafficking in amphetamine, more
2 than 14 grams, less than 28
3 grams.

4 Section 4. This act shall take effect October 1 of the
5 year in which enacted, and shall apply to offenses committed
6 on or after that date.

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