

1                   A bill to be entitled  
2           An act relating to culpable negligence;  
3           amending s. 784.05, F.S.; defining the offense  
4           of storing or leaving a loaded firearm within  
5           reach or easy access of a minor, which firearm  
6           is obtained and taken to a public or private  
7           elementary or secondary school by the minor;  
8           providing penalties; providing exceptions;  
9           amending s. 921.0012, F.S., relating to the  
10          sentencing guidelines offense levels;  
11          conforming a cross reference; providing an  
12          effective date.

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

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16           Section 1. Section 784.05, Florida Statutes, is  
17 amended to read:

18           784.05 Culpable negligence.--

19           (1) Whoever, through culpable negligence, exposes  
20 another person to personal injury commits a misdemeanor of the  
21 second degree, punishable as provided in s. 775.082 or s.  
22 775.083.

23           (2) Whoever, through culpable negligence, inflicts  
24 actual personal injury on another commits a misdemeanor of the  
25 first degree, punishable as provided in s. 775.082 or s.  
26 775.083.

27           (3) A person who stores or leaves a loaded firearm  
28 within the reach or easy access of a minor commits, through  
29 culpable negligence, if the minor obtains the firearm and  
30 takes the firearm to a public or private elementary or  
31 secondary school, a misdemeanor of the first degree,

1 punishable as provided in s. 775.082 or s. 775.083. However,  
2 this subsection does not apply:

3 (a) If the firearm was stored or left in a securely  
4 locked box or container or in a location which a reasonable  
5 person would have believed to be secure, or was securely  
6 locked with a firearm-mounted push button combination lock or  
7 a trigger lock.

8 (b) If the minor obtains the firearm as a result of an  
9 unlawful entry by any person.

10 (c) To members of the Armed Forces, National Guard, or  
11 State Militia, or to police or other law enforcement officers,  
12 with respect to firearm possession by a minor which occurs  
13 during or incidental to the performance of their official  
14 duties.

15 (4)(3) Whoever violates subsection (1) by storing or  
16 leaving a loaded firearm within the reach or easy access of a  
17 minor commits, if the minor obtains the firearm and uses it to  
18 inflict injury or death upon himself or any other person, a  
19 felony of the third degree, punishable as provided in s.  
20 775.082, s. 775.083, or s. 775.084. However, this subsection  
21 does not apply:

22 (a) If the firearm was stored or left in a securely  
23 locked box or container or in a location which a reasonable  
24 person would have believed to be secure, or was securely  
25 locked with a trigger lock;

26 (b) If the minor obtains the firearm as a result of an  
27 unlawful entry by any person;

28 (c) To injuries resulting from target or sport  
29 shooting accidents or hunting accidents; or

30 (d) To members of the Armed Forces, National Guard, or  
31 State Militia, or to police or other law enforcement officers,

1 with respect to firearm possession by a minor which occurs  
2 during or incidental to the performance of their official  
3 duties.

4  
5 When any minor child is accidentally shot by another family  
6 member, no arrest shall be made pursuant to this subsection  
7 prior to 7 days after the date of the shooting. With respect  
8 to any parent or guardian of any deceased minor, the  
9 investigating officers shall file all findings and evidence  
10 with the state attorney's office with respect to violations of  
11 this subsection. The state attorney shall evaluate such  
12 evidence and shall take such action as he or she deems  
13 appropriate under the circumstances and may file an  
14 information against the appropriate parties.

15 (5)~~(4)~~ As used in this act, the term "minor" means any  
16 person under the age of 16.

17 Section 2. Paragraph (b) of subsection (3) of section  
18 921.0012, Florida Statutes, 1996 Supplement, is amended to  
19 read:

20 921.0012 Sentencing guidelines offense levels; offense  
21 severity ranking chart.--

22 (3) OFFENSE SEVERITY RANKING CHART

23 Florida	Felony	
24 Statute	Degree	Description

25  
26  
27 (b) LEVEL 2  
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1	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
2			lbs. in weight or 100 cubic feet
3			in volume or any quantity for
4			commercial purposes, or hazardous
5			waste.
6	517.07	3rd	Registration of securities and
7			furnishing of prospectus
8			required.
9	590.28(1)	3rd	Willful, malicious, or
10			intentional burning.
11	784.05 <u>(4)</u> <del>(3)</del>	3rd	Storing or leaving a loaded
12			firearm within reach of minor who
13			uses it to inflict injury or
14			death.
15	787.04(1)	3rd	In violation of court order,
16			take, entice, etc., minor beyond
17			state limits.
18	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
19			or more to public communication
20			or any other public service.
21	810.09(2)(e)	3rd	Trespassing on posted commerical
22			horticulture property.
23	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
24			more but less than \$5,000.
25	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
26			more but less than \$300, taken
27			from unenclosed curtilage of
28			dwelling.
29	817.234(1)(a)2.	3rd	False statement in support of
30			insurance claim.
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1	817.481(3)(a)	3rd	Obtain credit or purchase with
2			false, expired, counterfeit,
3			etc., credit card, value over
4			\$300.
5	817.52(3)	3rd	Failure to redeliver hired
6			vehicle.
7	817.54	3rd	With intent to defraud, obtain
8			mortgage note, etc., by false
9			representation.
10	817.60(5)	3rd	Dealing in credit cards of
11			another.
12	817.60(6)(a)	3rd	Forgery; purchase goods, services
13			with false card.
14	817.61	3rd	Fraudulent use of credit cards
15			over \$100 or more within 6
16			months.
17	826.04	3rd	Knowingly marries or has sexual
18			intercourse with person to whom
19			related.
20	831.01	3rd	Forgery.
21	831.02	3rd	Uttering forged instrument;
22			utters or publishes alteration
23			with intent to defraud.
24	831.07	3rd	Forging bank bills or promissory
25			note.
26	831.08	3rd	Possession of 10 or more forged
27			notes.
28	831.09	3rd	Uttering forged bills; passes as
29			bank bill or promissory note.
30	832.05(3)(a)	3rd	Cashing or depositing item with
31			intent to defraud.

1	843.08	3rd	Falsely impersonating an officer.
2	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
3			(2)(c), (3), or (4) drugs other
4			than cannabis.
5	893.147(2)	3rd	Manufacture or delivery of drug
6			paraphernalia.

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8           Section 3. This act shall take effect October 1, 1997.

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