

By Senator Bronson

18-910-98

See HB

1 A bill to be entitled
2 An act relating to robbery; amending s. 812.13,
3 F.S.; redefining the offense of robbery to
4 include robbery by sudden snatching; defining
5 "sudden snatching"; providing for
6 reclassification of the offense to a higher
7 degree under specified circumstances when the
8 offender carried a firearm or other deadly
9 weapon; providing penalties; reenacting s.
10 921.0022(3)(f), (h), and (i), F.S., relating to
11 the offense severity ranking chart of the
12 Criminal Punishment Code, to incorporate the
13 amendment to s. 812.13, F.S., in references
14 thereto; providing an effective date.

15
16 WHEREAS, the Legislature finds that it is in the best
17 interest of the citizens of this state not to require that
18 victims of theft or larceny by sudden snatching resist the
19 efforts of their assailant in order to establish the offense
20 of robbery, and

21 WHEREAS, the Legislature finds that it is in the best
22 interest of the citizens of this state to broaden the category
23 of offenses punishable as robbery to include the taking of
24 money or property by sudden snatching from another's person or
25 custody when there is no resistance offered by the victim,
26 NOW, THEREFORE,

27
28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Section 812.13, Florida Statutes, is
31 amended to read:

1 812.13 Robbery.--

2 (1)(a) "Robbery" means the taking of money or other
3 property which may be the subject of larceny from the person
4 or custody of another, with intent to either permanently or
5 temporarily deprive the person or the owner of the money or
6 other property, when in the course of the taking there is the
7 use of force, a sudden snatching, violence, assault, or
8 putting in fear.

9 (b) "Sudden snatching" means taking possession of
10 money or other property from the victim's person, when the
11 victim was aware of the taking. In order to satisfy this
12 definition, it is not necessary to show that:

13 1. The offender used any amount of force beyond that
14 effort necessary to obtain possession of the money or other
15 property; or

16 2. There was any resistance offered by the victim to
17 the offender or injury to the victim's person.

18 (2)(a) If in the course of committing the robbery the
19 offender carried a firearm or other deadly weapon, then the
20 robbery is a felony of the first degree, punishable by
21 imprisonment for a term of years not exceeding life
22 imprisonment or as provided in s. 775.082, s. 775.083, or s.
23 775.084.

24 (b) If in the course of committing the robbery the
25 offender carried a weapon, then the robbery is a felony of the
26 first degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

28 (c) If in the course of committing the robbery the
29 offender carried no firearm, deadly weapon, or other weapon,
30 then the robbery is a felony of the second degree, punishable
31 as provided in s. 775.082, s. 775.083, or s. 775.084.

1 (3)(a) An act shall be deemed "in the course of
2 committing the robbery" if it occurs in an attempt to commit
3 robbery or in flight after the attempt or commission.

4 (b) An act shall be deemed "in the course of the
5 taking" if it occurs either prior to, contemporaneous with, or
6 subsequent to the taking of the property and if it and the act
7 of taking constitute a continuous series of acts or events.

8 Section 2. For the purpose of incorporating the
9 amendment made by this act to section 812.13, Florida
10 Statutes, in references thereto, paragraphs (f), (h), and (i)
11 of subsection (3) of section 921.0022, Florida Statutes, as
12 created by section 5 of chapter 97-194, Laws of Florida, are
13 reenacted to read:

14 921.0022 Criminal Punishment Code; offense severity
15 ranking chart.--

16 (3) OFFENSE SEVERITY RANKING CHART

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18 Florida	Felony	
19 Statute	Degree	Description
		(f) LEVEL 6
23 316.027(1)(b)	2nd	Accident involving death, failure 24 to stop; leaving scene.
25 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent 26 conviction.
27 775.0875(1)	3rd	Taking firearm from law 28 enforcement officer.
29 784.021(1)(a)	3rd	Aggravated assault; deadly weapon 30 without intent to kill.

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1	784.021(1)(b)	3rd	Aggravated assault; intent to
2			commit felony.
3	784.048(3)	3rd	Aggravated stalking; credible
4			threat.
5	784.07(2)(c)	2nd	Aggravated assault on law
6			enforcement officer.
7	784.08(2)(b)	2nd	Aggravated assault on a person 65
8			years of age or older.
9	784.081(2)	2nd	Aggravated assault on specified
10			official or employee.
11	784.082(2)	2nd	Aggravated assault by detained
12			person on visitor or other
13			detainee.
14	787.02(2)	3rd	False imprisonment; restraining
15			with purpose other than those in
16			s. 787.01.
17	790.115(2)(d)	2nd	Discharging firearm or weapon on
18			school property.
19	790.161(2)	2nd	Make, possess, or throw
20			destructive device with intent to
21			do bodily harm or damage
22			property.
23	790.164(1)	2nd	False report of deadly explosive
24			or act of arson or violence to
25			state property.
26	790.19	2nd	Shooting or throwing deadly
27			missiles into dwellings, vessels,
28			or vehicles.
29	794.011(8)(a)	3rd	Solicitation of minor to
30			participate in sexual activity by
31			custodial adult.

1	794.05(1)	2nd	Unlawful sexual activity with
2			specified minor.
3	806.031(2)	2nd	Arson resulting in great bodily
4			harm to firefighter or any other
5			person.
6	810.02(3)(c)	2nd	Burglary of occupied structure;
7			unarmed; no assault or battery.
8	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
9			but less than \$100,000, grand
10			theft in 2nd degree.
11	812.13(2)(c)	2nd	Robbery, no firearm or other
12			weapon (strong-arm robbery).
13	817.034(4)(a)1.	1st	Communications fraud, value
14			greater than \$50,000.
15	817.4821(5)	2nd	Possess cloning paraphernalia
16			with intent to create cloned
17			cellular telephones.
18	825.102(1)	3rd	Abuse of an elderly person or
19			disabled adult.
20	825.102(3)(c)	3rd	Neglect of an elderly person or
21			disabled adult.
22	825.1025(3)	3rd	Lewd or lascivious molestation of
23			an elderly person or disabled
24			adult.
25	825.103(2)(c)	3rd	Exploiting an elderly person or
26			disabled adult and property is
27			valued at \$100 or more, but less
28			than \$20,000.
29	827.03(1)	3rd	Abuse of a child.
30	827.03(3)(c)	3rd	Neglect of a child.
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1	827.071(2)&(3)	2nd	Use or induce a child in a sexual
2			performance, or promote or direct
3			such performance.
4	836.05	2nd	Threats; extortion.
5	836.10	2nd	Written threats to kill or do
6			bodily injury.
7	843.12	3rd	Aids or assists person to escape.
8	914.23	2nd	Retaliation against a witness,
9			victim, or informant, with bodily
10			injury.
11	944.35(3)(a)2.	3rd	Committing malicious battery upon
12			or inflicting cruel or inhuman
13			treatment on an inmate or
14			offender on community
15			supervision, resulting in great
16			bodily harm.
17	944.40	2nd	Escapes.
18	944.46	3rd	Harboring, concealing, aiding
19			escaped prisoners.
20	944.47(1)(a)5.	2nd	Introduction of contraband
21			(firearm, weapon, or explosive)
22			into correctional facility.
23	951.22(1)	3rd	Intoxicating drug, firearm, or
24			weapon introduced into county
25			facility.
26			(h) LEVEL 8
27	316.193		
28	(3)(c)3.a.	2nd	DUI manslaughter.
29	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
30	777.03(2)(a)	1st	Accessory after the fact, capital
31			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		
2	(1)(d)1.b.	1st	Trafficking in phencyclidine,
3			more than 200 grams, less than
4			400 grams.
5	893.135		
6	(1)(e)1.b.	1st	Trafficking in methaqualone, more
7			than 5 kilograms, less than 25
8			kilograms.
9	893.135		
10	(1)(f)1.b.	1st	Trafficking in amphetamine, more
11			than 28 grams, less than 200
12			grams.
13	895.03(1)	1st	Use or invest proceeds derived
14			from pattern of racketeering
15			activity.
16	895.03(2)	1st	Acquire or maintain through
17			racketeering activity any
18			interest in or control of any
19			enterprise or real property.
20	895.03(3)	1st	Conduct or participate in any
21			enterprise through pattern of
22			racketeering activity.
23			(i) LEVEL 9
24	316.193		
25	(3)(c)3.b.	1st	DUI manslaughter; failing to
26			render aid or give information.
27	782.04(1)	1st	Attempt, conspire, or solicit to
28			commit premeditated murder.
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1	782.04(3)	1st,PBL	Accomplice to murder in
2			connection with arson, sexual
3			battery, robbery, burglary, and
4			other specified felonies.
5	782.07(2)	1st	Aggravated manslaughter of an
6			elderly person or disabled adult.
7	782.07(3)	1st	Aggravated manslaughter of a
8			child.
9	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
10			reward or as a shield or hostage.
11	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
12			or facilitate commission of any
13			felony.
14	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
15			interfere with performance of any
16			governmental or political
17			function.
18	787.02(3)(a)	1st	False imprisonment; child under
19			age 13; perpetrator also commits
20			child abuse, sexual battery,
21			lewd, or lascivious act, etc.
22	790.161	1st	Attempted capital destructive
23			device offense.
24	794.011(2)	1st	Attempted sexual battery; victim
25			less than 12 years of age.
26	794.011(2)	Life	Sexual battery; offender younger
27			than 18 years and commits sexual
28			battery on a person less than 12
29			years.
30	794.011(4)	1st	Sexual battery; victim 12 years
31			or older, certain circumstances.

1	794.011(8)(b)	1st	Sexual battery; engage in sexual
2			conduct with minor 12 to 18 years
3			by person in familial or
4			custodial authority.
5	812.13(2)(a)	1st,PBL	Robbery with firearm or other
6			deadly weapon.
7	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
8			deadly weapon.
9	847.0145(1)	1st	Selling, or otherwise
10			transferring custody or control,
11			of a minor.
12	847.0145(2)	1st	Purchasing, or otherwise
13			obtaining custody or control, of
14			a minor.
15	859.01	1st	Poisoning food, drink, medicine,
16			or water with intent to kill or
17			injure another person.
18	893.135	1st	Attempted capital trafficking
19			offense.
20	893.135(1)(a)3.	1st	Trafficking in cannabis, more
21			than 10,000 lbs.
22	893.135		
23	(1)(b)1.c.	1st	Trafficking in cocaine, more than
24			400 grams, less than 150
25			kilograms.
26	893.135		
27	(1)(c)1.c.	1st	Trafficking in illegal drugs,
28			more than 28 grams, less than 30
29			kilograms.
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1 893.135
2 (1)(d)1.c. 1st Trafficking in phencyclidine,
3 more than 400 grams.
4 893.135
5 (1)(e)1.c. 1st Trafficking in methaqualone, more
6 than 25 kilograms.
7 893.135
8 (1)(f)1.c. 1st Trafficking in amphetamine, more
9 than 200 grams.

10 Section 3. This act shall take effect October 1, 1998.

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LEGISLATIVE SUMMARY

Redefines the offense of robbery to include robbery by sudden snatching. Provides definitions. Provides penalties. Provides for reclassification of the offense to a higher degree under specified circumstances when the offender carried a firearm or other deadly weapon. Provides penalties for the reclassified offenses.