

By Senator Silver

38-520-98

1 A bill to be entitled
 2 An act relating to felony offenses; amending s.
 3 782.051, F.S.; revising the elements of the
 4 offense of committing a felony that causes
 5 bodily injury to provide that if a person who
 6 perpetrates or attempts to perpetrate certain
 7 enumerated felony offenses and who commits,
 8 aids, or abets an intentional act that could,
 9 but does not, cause the death of another, the
 10 person commits a first-degree felony; providing
 11 for ranking such offense under the Criminal
 12 Punishment Code based on the felony offense
 13 committed; providing an effective date.

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

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 17 Section 1. Section 782.051, Florida Statutes, as
 18 amended by section 18 of chapter 97-194, Laws of Florida, is
 19 amended to read:

20 782.051 Attempted felony murder ~~causing bodily~~
 21 ~~injury.~~--

22 (1) Any person who perpetrates or attempts to
 23 perpetrate any felony enumerated in s. 782.04(3) and who
 24 commits, aids, or abets an intentional act that is not an
 25 essential element of the felony and that could, but does not,
 26 cause the death of ~~causes bodily injury to~~ another commits a
 27 felony of the first degree, punishable by imprisonment for a
 28 term of years not exceeding life, or as provided in s.
 29 775.082, s. 775.083, or s. 775.084, which is an offense ranked
 30 in level 9 of the Criminal Punishment Code. Victim injury
 31 points shall be scored under this subsection.

1 (2) Any person who perpetrates or attempts to
2 perpetrate any felony other than a felony enumerated in s.
3 782.04(3) and who commits, aids, or abets an intentional act
4 that is not an essential element of the felony and that could,
5 but does not, cause the death of ~~causes bodily injury to~~
6 another commits a felony of the first degree, punishable as
7 provided in s. 775.082, s. 775.083, or s. 775.084, which is an
8 offense ranked in level 8 of the Criminal Punishment Code.
9 Victim injury points shall be scored under this subsection.

10 (3) When a person is injured during the perpetration
11 of or the attempt to perpetrate any felony enumerated in s.
12 782.04(3) by a person other than the person engaged in the
13 perpetration of or the attempt to perpetrate such felony, the
14 person perpetrating or attempting to perpetrate such felony
15 commits a felony of the second degree, punishable as provided
16 in s. 775.082, s. 775.083, or s. 775.084, which is an offense
17 ranked in level 7 of the Criminal Punishment Code. Victim
18 injury points shall be scored under this subsection.

19 Section 2. This act shall take effect October 1, 1998.

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22 SENATE SUMMARY

23 Revises the elements of the offense of committing or
24 perpetrating a felony that causes bodily injury to
25 provide that it is a first-degree felony for a person to
26 perpetrate or attempt to perpetrate a felony and to
27 commit, aid, or abet an intentional act that could, but
28 does not, cause the death of another. Provides for the
29 offense to be ranked for purposes of the Criminal
30 Punishment Code according to the severity of the
31 underlying felony offense.