

By the Committee on Criminal Justice and Senator Silver

307-1625-98

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; amending s. 921.0022, F.S.;
14 including such offense in the offense severity
15 ranking chart of the Criminal Punishment Code;
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 782.051, Florida Statutes, as
21 amended by section 18 of chapter 97-194, Laws of Florida, is
22 amended to read:

23 782.051 Attempted felony murder ~~causing bodily~~
24 injury.--

25 (1) Any person who perpetrates or attempts to
26 perpetrate any felony enumerated in s. 782.04(3) and who
27 commits, aids, or abets an intentional act that is not an
28 essential element of the felony and that could, but does not,
29 cause the death of ~~causes bodily injury to~~ another commits a
30 felony of the first degree, punishable by imprisonment for a
31 term of years not exceeding life, or as provided in s.

1 775.082, s. 775.083, or s. 775.084, which is an offense ranked
2 in level 9 of the Criminal Punishment Code. Victim injury
3 points shall be scored under this subsection.

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

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

22 Section 2. Paragraphs (g), (h), and (i) of subsection
23 (3) of section 921.0022, Florida Statutes, as created by
24 section 5 of chapter 97-194, Laws of Florida, are amended to
25 read:

26 921.0022 Criminal Punishment Code; offense severity
27 ranking chart.--

28 (3) OFFENSE SEVERITY RANKING CHART
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1	Florida	Felony	
2	Statute	Degree	Description
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4			
5			(g) LEVEL 7
6	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
7			injury.
8	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
9			bodily injury.
10	409.920(2)	3rd	Medicaid provider fraud.
11	494.0018(2)	1st	Conviction of any violation of
12			ss. 494.001-494.0077 in which the
13			total money and property
14			unlawfully obtained exceeded
15			\$50,000 and there were five or
16			more victims.
17	<u>782.051(3)</u>	<u>2nd</u>	<u>Attempted felony murder by person</u>
18			<u>other than perpetrator.</u>
19	782.07(1)	2nd	Killing of a human being by the
20			act, procurement, or culpable
21			negligence of another
22			(manslaughter).
23	782.071	3rd	Killing of human being by the
24			operation of a motor vehicle in a
25			reckless manner (vehicular
26			homicide).
27	782.072	3rd	Killing of a human being by the
28			operation of a vessel in a
29			reckless manner (vessel
30			homicide).
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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			(h) LEVEL 8
5	316.193		
6	(3)(c)3.a.	2nd	DUI manslaughter.
7	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
8	777.03(2)(a)	1st	Accessory after the fact, capital
9			felony.
10	782.04(4)	2nd	Killing of human without design
11			when engaged in act or attempt of
12			any felony other than arson,
13			sexual battery, robbery,
14			burglary, kidnapping, aircraft
15			piracy, or unlawfully discharging
16			bomb.
17	<u>782.051(2)</u>	<u>1st</u>	<u>Attempted felony murder in</u>
18			<u>connection with a felony not</u>
19			<u>enumerated in s. 782.04(3).</u>
20	782.071(2)	2nd	Committing vehicular homicide and
21			failing to render aid or give
22			information.
23	782.072(2)	2nd	Committing vessel homicide and
24			failing to render aid or give
25			information.
26	790.161(3)	1st	Discharging a destructive device
27			which results in bodily harm or
28			property damage.
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1	794.011(5)	2nd	Sexual battery, victim 12 years
2			or over, offender does not use
3			physical force likely to cause
4			serious injury.
5	806.01(1)	1st	Maliciously damage dwelling or
6			structure by fire or explosive,
7			believing person in structure.
8	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
9	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
10			or dangerous weapon.
11	810.02(2)(c)	1st	Burglary of a dwelling or
12			structure causing structural
13			damage or \$1,000 or more property
14			damage.
15	812.13(2)(b)	1st	Robbery with a weapon.
16	812.135(2)	1st	Home-invasion robbery.
17	825.102(2)	2nd	Aggravated abuse of an elderly
18			person or disabled adult.
19	825.103(2)(a)	1st	Exploiting an elderly person or
20			disabled adult and property is
21			valued at \$100,000 or more.
22	827.03(2)	2nd	Aggravated child abuse.
23	860.121(2)(c)	1st	Shooting at or throwing any
24			object in path of railroad
25			vehicle resulting in great bodily
26			harm.
27	860.16	1st	Aircraft piracy.
28	893.13(1)(b)	1st	Sell or deliver in excess of 10
29			grams of any substance specified
30			in s. 893.03(1)(a) or (b).
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1	893.13(2)(b)	1st	Purchase in excess of 10 grams of
2			any substance specified in s.
3			893.03(1)(a) or (b).
4	893.13(6)(c)	1st	Possess in excess of 10 grams of
5			any substance specified in s.
6			893.03(1)(a) or (b).
7	893.135(1)(a)2.	1st	Trafficking in cannabis, more
8			than 2,000 lbs., less than 10,000
9			lbs.
10	893.135		
11	(1)(b)1.b.	1st	Trafficking in cocaine, more than
12			200 grams, less than 400 grams.
13	893.135		
14	(1)(c)1.b.	1st	Trafficking in illegal drugs,
15			more than 14 grams, less than 28
16			grams.
17	893.135		
18	(1)(d)1.b.	1st	Trafficking in phencyclidine,
19			more than 200 grams, less than
20			400 grams.
21	893.135		
22	(1)(e)1.b.	1st	Trafficking in methaqualone, more
23			than 5 kilograms, less than 25
24			kilograms.
25	893.135		
26	(1)(f)1.b.	1st	Trafficking in amphetamine, more
27			than 28 grams, less than 200
28			grams.
29	895.03(1)	1st	Use or invest proceeds derived
30			from pattern of racketeering
31			activity.

1	895.03(2)	1st	Acquire or maintain through
2			racketeering activity any
3			interest in or control of any
4			enterprise or real property.
5	895.03(3)	1st	Conduct or participate in any
6			enterprise through pattern of
7			racketeering activity.
8			(i) LEVEL 9
9	316.193		
10	(3)(c)3.b.	1st	DUI manslaughter; failing to
11			render aid or give information.
12	782.04(1)	1st	Attempt, conspire, or solicit to
13			commit premeditated murder.
14	782.04(3)	1st,PBL	Accomplice to murder in
15			connection with arson, sexual
16			battery, robbery, burglary, and
17			other specified felonies.
18	<u>782.051(1)</u>	<u>1st</u>	<u>Attempted felony murder in</u>
19			<u>connection with a felony</u>
20			<u>enumerated in s. 782.04(3).</u>
21	782.07(2)	1st	Aggravated manslaughter of an
22			elderly person or disabled adult.
23	782.07(3)	1st	Aggravated manslaughter of a
24			child.
25	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
26			reward or as a shield or hostage.
27	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
28			or facilitate commission of any
29			felony.
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1	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
2			interfere with performance of any
3			governmental or political
4			function.
5	787.02(3)(a)	1st	False imprisonment; child under
6			age 13; perpetrator also commits
7			child abuse, sexual battery,
8			lewd, or lascivious act, etc.
9	790.161	1st	Attempted capital destructive
10			device offense.
11	794.011(2)	1st	Attempted sexual battery; victim
12			less than 12 years of age.
13	794.011(2)	Life	Sexual battery; offender younger
14			than 18 years and commits sexual
15			battery on a person less than 12
16			years.
17	794.011(4)	1st	Sexual battery; victim 12 years
18			or older, certain circumstances.
19	794.011(8)(b)	1st	Sexual battery; engage in sexual
20			conduct with minor 12 to 18 years
21			by person in familial or
22			custodial authority.
23	812.13(2)(a)	1st,PBL	Robbery with firearm or other
24			deadly weapon.
25	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
26			deadly weapon.
27	847.0145(1)	1st	Selling, or otherwise
28			transferring custody or control,
29			of a minor.
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1	847.0145(2)	1st	Purchasing, or otherwise
2			obtaining custody or control, of
3			a minor.
4	859.01	1st	Poisoning food, drink, medicine,
5			or water with intent to kill or
6			injure another person.
7	893.135	1st	Attempted capital trafficking
8			offense.
9	893.135(1)(a)3.	1st	Trafficking in cannabis, more
10			than 10,000 lbs.
11	893.135		
12	(1)(b)1.c.	1st	Trafficking in cocaine, more than
13			400 grams, less than 150
14			kilograms.
15	893.135		
16	(1)(c)1.c.	1st	Trafficking in illegal drugs,
17			more than 28 grams, less than 30
18			kilograms.
19	893.135		
20	(1)(d)1.c.	1st	Trafficking in phencyclidine,
21			more than 400 grams.
22	893.135		
23	(1)(e)1.c.	1st	Trafficking in methaqualone, more
24			than 25 kilograms.
25	893.135		
26	(1)(f)1.c.	1st	Trafficking in amphetamine, more
27			than 200 grams.
28	Section 3.		This act shall take effect October 1, 1998.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 586

. Amends the offense severity ranking chart of the Criminal
Punishment Code to include the attempted felony murder
offenses.