

By Senator Dudley

25-257A-98

1 A bill to be entitled
2 An act relating to the offense of fleeing or
3 attempting to elude a law enforcement officer;
4 amending s. 316.1935, F.S.; providing that it
5 is a third-degree felony for the operator of a
6 vehicle to fail to stop the vehicle when so
7 directed by a law enforcement officer or to
8 attempt to elude such officer; providing that,
9 following an order by a law enforcement officer
10 to stop, it is a second-degree felony for a
11 person to cause the law enforcement officer to
12 engage in a vehicle pursuit, regardless of the
13 speed of the pursuit; providing that the
14 offense of aggravated fleeing or eluding a law
15 enforcement officer is a second-degree felony;
16 amending s. 921.0022, F.S., relating to the
17 offense severity ranking chart of the Criminal
18 Punishment Code; revising the ranking of such
19 offenses to conform to changes made by the act;
20 providing an effective date.

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

23
24 Section 1. Section 316.1935, Florida Statutes, is
25 amended to read:

26 316.1935 Fleeing or attempting to elude a law
27 enforcement officer; aggravated fleeing and eluding.--

28 (1) It is unlawful for the operator of any vehicle,
29 having knowledge that he or she has been directed to stop such
30 vehicle by a duly authorized law enforcement officer,
31 willfully to refuse or fail to stop the vehicle in compliance

1 with such directive or, having stopped in knowing compliance
2 with the directive, willfully to flee in an attempt to elude
3 the officer, ~~and~~ A person who violates this subsection
4 commits a felony of the third degree, punishable as provided
5 in s. 775.082, s. 775.083, or s. 775.084 ~~shall, upon~~
6 ~~conviction, be punished by imprisonment in the county jail for~~
7 ~~a period not to exceed 1 year, or by fine not to exceed~~
8 ~~\$1,000, or by both such fine and imprisonment.~~

9 (2) Any person who, in the course of unlawfully
10 fleeing or attempting to elude a law enforcement officer in an
11 authorized law enforcement patrol vehicle with agency insignia
12 and other jurisdictional markings prominently displayed on the
13 vehicle with siren and lights activated pursuant to subsection
14 (1), having knowledge of an order to stop by a duly authorized
15 law enforcement officer, causes the law enforcement officer to
16 engage in a high-speed vehicle pursuit, regardless of the
17 speed of the pursuit, commits a felony of the second ~~third~~
18 degree, punishable as provided in s. 775.082, s. 775.083, or
19 s. 775.084.

20 (3) Any person who, in the course of unlawfully
21 leaving or attempting to leave the scene of an accident in
22 violation of s. 316.027 or s. 316.061, having knowledge of an
23 order to stop by a duly authorized law enforcement officer:

24 (a) Willfully refuses or fails to stop in compliance
25 with such an order, or having stopped in knowing compliance
26 with such order, willfully flees in an attempt to elude such
27 officer; and

28 (b) As a result of such fleeing or eluding, causes
29 injury to another person or causes damage to any property
30 belonging to another person

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1 commits aggravated fleeing or eluding, a felony of the second
2 ~~third~~ degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084. The felony of aggravated fleeing or
4 eluding constitutes a separate offense for which a person may
5 be charged, in addition to the offense of unlawfully leaving
6 the scene of an accident which the person had been in the
7 course of committing or attempting to commit when the order to
8 stop was given.

9 (4) The court may revoke, for a period not to exceed 1
10 year, the driver's license of any operator of a motor vehicle
11 convicted of a violation of subsection (1), subsection (2), or
12 subsection (3).

13 Section 2. Paragraphs (c), (d), and (e) of subsection
14 (3) of section 921.0022, Florida Statutes, as created by
15 section 5 of chapter 97-194, Laws of Florida, are amended to
16 read:

17 921.0022 Criminal Punishment Code; offense severity
18 ranking chart.--

19 (3) OFFENSE SEVERITY RANKING CHART

21 Florida	Felony	
22 Statute	Degree	Description
		(c) LEVEL 3
26 39.061	3rd	Escapes from juvenile facility 27 (secure detention or residential 28 commitment facility).

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1	<u>316.1935(1)</u>	<u>3rd</u>	<u>Refusing to stop a vehicle</u>
2			<u>following directive by a law</u>
3			<u>enforcement officer or attempting</u>
4			<u>to elude the officer.</u>
5	319.30(4)	3rd	Possession by junkyard of motor
6			vehicle with identification
7			number plate removed.
8	319.33(1)(a)	3rd	Alter or forge any certificate of
9			title to a motor vehicle or
10			mobile home.
11	319.33(1)(c)	3rd	Procure or pass title on stolen
12			vehicle.
13	319.33(4)	3rd	With intent to defraud, possess,
14			sell, etc., a blank, forged, or
15			unlawfully obtained title or
16			registration.
17	328.05(2)	3rd	Possess, sell, or counterfeit
18			fictitious, stolen, or fraudulent
19			titles or bills of sale of
20			vessels.
21	328.07(4)	3rd	Manufacture, exchange, or possess
22			vessel with counterfeit or wrong
23			ID number.
24	376.302(5)	3rd	Fraud related to reimbursement
25			for cleanup expenses under the
26			Inland Protection Trust Fund.
27	501.001(2)(b)	2nd	Tampers with a consumer product
28			or the container using materially
29			false/misleading information.
30	697.08	3rd	Equity skimming.
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1	790.15(3)	3rd	Person directs another to
2			discharge firearm from a vehicle.
3	796.05(1)	3rd	Live on earnings of a prostitute.
4	806.10(1)	3rd	Maliciously injure, destroy, or
5			interfere with vehicles or
6			equipment used in firefighting.
7	806.10(2)	3rd	Interferes with or assaults
8			firefighter in performance of
9			duty.
10	810.09(2)(c)	3rd	Trespass on property other than
11			structure or conveyance armed
12			with firearm or dangerous weapon.
13	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
14			less than \$10,000.
15	815.04(4)(b)	2nd	Computer offense devised to
16			defraud or obtain property.
17	817.034(4)(a)3.	3rd	Engages in scheme to defraud
18			(Florida Communications Fraud
19			Act), property valued at less
20			than \$20,000.
21	817.233	3rd	Burning to defraud insurer.
22	828.12(2)	3rd	Tortures any animal with intent
23			to inflict intense pain, serious
24			physical injury, or death.
25	831.29	2nd	Possession of instruments for
26			counterfeiting drivers' licenses.
27	838.021(3)(b)	3rd	Threatens unlawful harm to public
28			servant.
29	843.19	3rd	Injure, disable, or kill police
30			dog or horse.
31	870.01(2)	3rd	Riot; inciting or encouraging.

1	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c), (3), or (4)
4			drugs).
5	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
6			893.03(1)(c), (2)(c), (3), or (4)
7			drugs within 200 feet of
8			university, public housing
9			facility, or public park.
10	893.13(6)(a)	3rd	Possession of any controlled
11			substance other than felony
12			possession of cannabis.
13	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
14			controlled substance by fraud,
15			forgery, misrepresentation, etc.
16	893.13(7)(a)11.	3rd	Furnish false or fraudulent
17			material information on any
18			document or record required by
19			chapter 893.
20	918.13(1)(a)	3rd	Alter, destroy, or conceal
21			investigation evidence.
22	944.47		
23	(1)(a)1.-2.	3rd	Introduce contraband to
24			correctional facility.
25	944.47(1)(c)	2nd	Possess contraband while upon the
26			grounds of a correctional
27			institution.
28			(d) LEVEL 4
29	316.1935(2)	<u>2nd</u> 3rd	Fleeing or attempting to elude
30			law enforcement officer resulting
31			in high-speed pursuit.

1	784.07(2)(b)	3rd	Battery of law enforcement
2			officer, firefighter, intake
3			officer, etc.
4	784.075	3rd	Battery on detention or
5			commitment facility staff.
6	784.08(2)(c)	3rd	Battery on a person 65 years of
7			age or older.
8	784.081(3)	3rd	Battery on specified official or
9			employee.
10	784.082(3)	3rd	Battery by detained person on
11			visitor or other detainee.
12	787.03(1)	3rd	Interference with custody;
13			wrongly takes child from
14			appointed guardian.
15	787.04(2)	3rd	Take, entice, or remove child
16			beyond state limits with criminal
17			intent pending custody
18			proceedings.
19	787.04(3)	3rd	Carrying child beyond state lines
20			with criminal intent to avoid
21			producing child at custody
22			hearing or delivering to
23			designated person.
24	790.115(1)	3rd	Exhibiting firearm or weapon
25			within 1,000 feet of a school.
26	790.115(2)(b)	3rd	Possessing electric weapon or
27			device, destructive device, or
28			other weapon on school property.
29	790.115(2)(c)	3rd	Possessing firearm on school
30			property.
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1	810.02(4)(a)	3rd	Burglary, or attempted burglary,
2			of an unoccupied structure;
3			unarmed; no assault or battery.
4	810.02(4)(b)	3rd	Burglary, or attempted burglary,
5			of an unoccupied conveyance;
6			unarmed; no assault or battery.
7	810.06	3rd	Burglary; possession of tools.
8	810.08(2)(c)	3rd	Trespass on property, armed with
9			firearm or dangerous weapon.
10	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
11			or more but less than \$20,000.
12	812.014		
13	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
14			firearm, motor vehicle,
15			livestock, etc.
16	817.563(1)	3rd	Sell or deliver substance other
17			than controlled substance agreed
18			upon, excluding s. 893.03(5)
19			drugs.
20	828.125(1)	2nd	Kill, maim, or cause great bodily
21			harm or permanent breeding
22			disability to any registered
23			horse or cattle.
24	837.02(1)	3rd	Perjury in official proceedings.
25	837.021(1)	3rd	Make contradictory statements in
26			official proceedings.
27	843.025	3rd	Deprive law enforcement,
28			correctional, or correctional
29			probation officer of means of
30			protection or communication.
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1	843.15(1)(a)	3rd	Failure to appear while on bail
2			for felony (bond estreature or
3			bond jumping).
4	874.05(1)	3rd	Encouraging or recruiting another
5			to join a criminal street gang.
6	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
7			893.03(1)(a), (b), or (d), or
8			(2)(a) or (b) drugs).
9	914.14(2)	3rd	Witnesses accepting bribes.
10	914.22(1)	3rd	Force, threaten, etc., witness,
11			victim, or informant.
12	914.23(2)	3rd	Retaliation against a witness,
13			victim, or informant, no bodily
14			injury.
15	918.12	3rd	Tampering with jurors.
16			(e) LEVEL 5
17	316.027(1)(a)	3rd	Accidents involving personal
18			injuries, failure to stop;
19			leaving scene.
20	316.1935(3)	<u>2nd</u> 3rd	Aggravated fleeing or eluding.
21	322.34(3)	3rd	Careless operation of motor
22			vehicle with suspended license,
23			resulting in death or serious
24			bodily injury.
25	327.30(5)	3rd	Vessel accidents involving
26			personal injury; leaving scene.
27	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
28			knowing HIV positive.
29	790.01(2)	3rd	Carrying a concealed firearm.
30	790.162	2nd	Threat to throw or discharge
31			destructive device.

1	790.163	2nd	False report of deadly explosive.
2	790.165(2)	3rd	Manufacture, sell, possess, or
3			deliver hoax bomb.
4	790.221(1)	2nd	Possession of short-barreled
5			shotgun or machine gun.
6	790.23	2nd	Felons in possession of firearms
7			or electronic weapons or devices.
8	806.111(1)	3rd	Possess, manufacture, or dispense
9			fire bomb with intent to damage
10			any structure or property.
11	812.019(1)	2nd	Stolen property; dealing in or
12			trafficking in.
13	812.16(2)	3rd	Owning, operating, or conducting
14			a chop shop.
15	817.034(4)(a)2.	2nd	Communications fraud, value
16			\$20,000 to \$50,000.
17	825.1025(4)	3rd	Lewd or lascivious exhibition in
18			the presence of an elderly person
19			or disabled adult.
20	827.071(4)	2nd	Possess with intent to promote
21			any photographic material, motion
22			picture, etc., which includes
23			sexual conduct by a child.
24	843.01	3rd	Resist officer with violence to
25			person; resist arrest with
26			violence.
27	874.05(2)	2nd	Encouraging or recruiting another
28			to join a criminal street gang;
29			second or subsequent offense.
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1 893.13(1)(a)1. 2nd Sell, manufacture, or deliver
2 cocaine (or other s.
3 893.03(1)(a), (1)(b), (1)(d),
4 (2)(a), or (2)(b) drugs).
5 893.13(1)(c)2. 2nd Sell, manufacture, or deliver
6 cannabis (or other s.
7 893.03(1)(c), (2)(c), (3), or (4)
8 drugs) within 1,000 feet of a
9 school.
10 893.13(1)(d)1. 1st Sell, manufacture, or deliver
11 cocaine (or other s.
12 893.03(1)(a), (1)(b), (1)(d),
13 (2)(a), or (2)(b) drugs) within
14 200 feet of university, public
15 housing facility, or public park.
16 893.13(4)(b) 2nd Deliver to minor cannabis (or
17 other s. 893.03(1)(c), (2)(c),
18 (3), or (4) drugs).

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

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22 SENATE SUMMARY

23 Makes the crime of refusing or failing to stop a vehicle
24 in compliance with a directive by a law enforcement
25 officer a third-degree felony. Provides that it is a
26 second-degree felony to cause a law enforcement officer
27 to engage in a vehicle pursuit following an order to
28 stop, regardless of the speed of the pursuit. Increases
29 the penalty for the offense of aggravated fleeing or
30 eluding a law enforcement officer from a third-degree
31 felony to a second-degree felony.