

By Senator Campbell

33-594-98

1 A bill to be entitled
2 An act relating to homicide; amending ss.
3 782.071, 782.072, F.S.; increasing the
4 penalties imposed for committing the offense of
5 vehicular homicide or vessel homicide;
6 increasing the penalties imposed for committing
7 vehicular homicide or vessel homicide and
8 failing to give information and render aid when
9 the offender knew, or should have known, that
10 the accident occurred; amending s. 921.0022,
11 F.S., relating to the Criminal Punishment Code;
12 conforming references to changes made by the
13 act; 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 782.071, Florida Statutes, is
18 amended to read:

19 782.071 Vehicular homicide.--"Vehicular homicide" is
20 the killing of a human being by the operation of a motor
21 vehicle by another in a reckless manner likely to cause the
22 death of, or great bodily harm to, another. Vehicular homicide
23 is:

24 (1) A felony of the second ~~third~~ degree, punishable as
25 provided in s. 775.082, s. 775.083, or s. 775.084.

26 (2) A felony of the first ~~second~~ degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084, if:

28 (a) At the time of the accident, the person knew, or
29 should have known, that the accident occurred; and

30 (b) The person failed to give information and render
31 aid as required by s. 316.062.

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2 This subsection does not require that the person knew that the
3 accident resulted in injury or death.

4 Section 2. Section 782.072, Florida Statutes, is
5 amended to read:

6 782.072 Vessel homicide.--"Vessel homicide" is the
7 killing of a human being by the operation of a vessel as
8 defined in s. 327.02 by another in a reckless manner likely to
9 cause the death of, or great bodily harm to, another. Vessel
10 homicide is:

11 (1) A felony of the second ~~third~~ degree, punishable as
12 provided in s. 775.082, s. 775.083, or s. 775.084.

13 (2) A felony of the first ~~second~~ degree, punishable as
14 provided in s. 775.082, s. 775.083, or s. 775.084, if:

15 (a) At the time of the accident, the person knew, or
16 should have known, that the accident occurred; and

17 (b) The person failed to give information and render
18 aid as required by s. 327.30(1).

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20 This subsection does not require that the person knew that the
21 accident resulted in injury or death.

22 Section 3. Paragraphs (g) and (h) of subsection (3) of
23 section 921.0022, Florida Statutes, are amended to read:

24 921.0022 Criminal Punishment Code; offense severity
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

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Florida	Felony	
Statute	Degree	Description

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1			(g) LEVEL 7
2	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
3			injury.
4	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
5			bodily injury.
6	409.920(2)	3rd	Medicaid provider fraud.
7	494.0018(2)	1st	Conviction of any violation of
8			ss. 494.001-494.0077 in which the
9			total money and property
10			unlawfully obtained exceeded
11			\$50,000 and there were five or
12			more victims.
13	782.07(1)	2nd	Killing of a human being by the
14			act, procurement, or culpable
15			negligence of another
16			(manslaughter).
17	782.071	<u>2nd</u> 3rd	Killing of human being by the
18			operation of a motor vehicle in a
19			reckless manner (vehicular
20			homicide).
21	782.072	<u>2nd</u> 3rd	Killing of a human being by the
22			operation of a vessel in a
23			reckless manner (vessel
24			homicide).
25	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
26			causing great bodily harm or
27			disfigurement.
28	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
29			weapon.
30	784.045(1)(b)	2nd	Aggravated battery; perpetrator
31			aware victim pregnant.

1	784.048(4)	3rd	Aggravated stalking; violation of
2			injunction or court order.
3	784.07(2)(d)	1st	Aggravated battery on law
4			enforcement officer.
5	784.08(2)(a)	1st	Aggravated battery on a person 65
6			years of age or older.
7	784.081(1)	1st	Aggravated battery on specified
8			official or employee.
9	784.082(1)	1st	Aggravated battery by detained
10			person on visitor or other
11			detainee.
12	790.07(4)	1st	Specified weapons violation
13			subsequent to previous conviction
14			of s. 790.07(1) or (2).
15	790.16(1)	1st	Discharge of a machine gun under
16			specified circumstances.
17	796.03	2nd	Procuring any person under 16
18			years for prostitution.
19	800.04	2nd	Handle, fondle, or assault child
20			under 16 years in lewd,
21			lascivious, or indecent manner.
22	806.01(2)	2nd	Maliciously damage structure by
23			fire or explosive.
24	810.02(3)(a)	2nd	Burglary of occupied dwelling;
25			unarmed; no assault or battery.
26	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
27			unarmed; no assault or battery.
28	810.02(3)(d)	2nd	Burglary of occupied conveyance;
29			unarmed; no assault or battery.
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1	812.014(2)(a)	1st	Property stolen, valued at
2			\$100,000 or more; property stolen
3			while causing other property
4			damage; 1st degree grand theft.
5	812.019(2)	1st	Stolen property; initiates,
6			organizes, plans, etc., the theft
7			of property and traffics in
8			stolen property.
9	812.133(2)(b)	1st	Carjacking; no firearm, deadly
10			weapon, or other weapon.
11	825.102(3)(b)	2nd	Neglecting an elderly person or
12			disabled adult causing great
13			bodily harm, disability, or
14			disfigurement.
15	825.1025(2)	2nd	Lewd or lascivious battery upon
16			an elderly person or disabled
17			adult.
18	825.103(2)(b)	2nd	Exploiting an elderly person or
19			disabled adult and property is
20			valued at \$20,000 or more, but
21			less than \$100,000.
22	827.03(3)(b)	2nd	Neglect of a child causing great
23			bodily harm, disability, or
24			disfigurement.
25	827.04(4)	3rd	Impregnation of a child under 16
26			years of age by person 21 years
27			of age or older.
28	872.06	2nd	Abuse of a dead human body.
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1	893.13(1)(c)1.	1st	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) within
5			1,000 feet of a school.
6	893.13(4)(a)	1st	Deliver to minor cocaine (or
7			other s. 893.03(1)(a), (1)(b),
8			(1)(d), (2)(a), or (2)(b) drugs).
9	893.135(1)(a)1.	1st	Trafficking in cannabis, more
10			than 50 lbs., less than 2,000
11			lbs.
12	893.135		
13	(1)(b)1.a.	1st	Trafficking in cocaine, more than
14			28 grams, less than 200 grams.
15	893.135		
16	(1)(c)1.a.	1st	Trafficking in illegal drugs,
17			more than 4 grams, less than 14
18			grams.
19	893.135		
20	(1)(d)1.	1st	Trafficking in phencyclidine,
21			more than 28 grams, less than 200
22			grams.
23	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
24			than 200 grams, less than 5
25			kilograms.
26	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
27			than 14 grams, less than 28
28			grams.
29			(h) LEVEL 8
30	316.193		
31	(3)(c)3.a.	2nd	DUI manslaughter.

1	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
2	777.03(2)(a)	1st	Accessory after the fact, capital
3			felony.
4	782.04(4)	2nd	Killing of human without design
5			when engaged in act or attempt of
6			any felony other than arson,
7			sexual battery, robbery,
8			burglary, kidnapping, aircraft
9			piracy, or unlawfully discharging
10			bomb.
11	782.071(2)	<u>1st</u> 2nd	Committing vehicular homicide and
12			failing to render aid or give
13			information.
14	782.072(2)	<u>1st</u> 2nd	Committing vessel homicide and
15			failing to render aid or give
16			information.
17	790.161(3)	1st	Discharging a destructive device
18			which results in bodily harm or
19			property damage.
20	794.011(5)	2nd	Sexual battery, victim 12 years
21			or over, offender does not use
22			physical force likely to cause
23			serious injury.
24	806.01(1)	1st	Maliciously damage dwelling or
25			structure by fire or explosive,
26			believing person in structure.
27	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
28	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
29			or dangerous weapon.
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1	810.02(2)(c)	1st	Burglary of a dwelling or
2			structure causing structural
3			damage or \$1,000 or more property
4			damage.
5	812.13(2)(b)	1st	Robbery with a weapon.
6	812.135(2)	1st	Home-invasion robbery.
7	825.102(2)	2nd	Aggravated abuse of an elderly
8			person or disabled adult.
9	825.103(2)(a)	1st	Exploiting an elderly person or
10			disabled adult and property is
11			valued at \$100,000 or more.
12	827.03(2)	2nd	Aggravated child abuse.
13	860.121(2)(c)	1st	Shooting at or throwing any
14			object in path of railroad
15			vehicle resulting in great bodily
16			harm.
17	860.16	1st	Aircraft piracy.
18	893.13(1)(b)	1st	Sell or deliver in excess of 10
19			grams of any substance specified
20			in s. 893.03(1)(a) or (b).
21	893.13(2)(b)	1st	Purchase in excess of 10 grams of
22			any substance specified in s.
23			893.03(1)(a) or (b).
24	893.13(6)(c)	1st	Possess in excess of 10 grams of
25			any substance specified in s.
26			893.03(1)(a) or (b).
27	893.135(1)(a)2.	1st	Trafficking in cannabis, more
28			than 2,000 lbs., less than 10,000
29			lbs.
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1 893.135
2 (1)(b)1.b. 1st Trafficking in cocaine, more than
3 200 grams, less than 400 grams.
4 893.135
5 (1)(c)1.b. 1st Trafficking in illegal drugs,
6 more than 14 grams, less than 28
7 grams.
8 893.135
9 (1)(d)1.b. 1st Trafficking in phencyclidine,
10 more than 200 grams, less than
11 400 grams.
12 893.135
13 (1)(e)1.b. 1st Trafficking in methaqualone, more
14 than 5 kilograms, less than 25
15 kilograms.
16 893.135
17 (1)(f)1.b. 1st Trafficking in amphetamine, more
18 than 28 grams, less than 200
19 grams.
20 895.03(1) 1st Use or invest proceeds derived
21 from pattern of racketeering
22 activity.
23 895.03(2) 1st Acquire or maintain through
24 racketeering activity any
25 interest in or control of any
26 enterprise or real property.
27 895.03(3) 1st Conduct or participate in any
28 enterprise through pattern of
29 racketeering activity.
30 Section 4. This act shall take effect October 1, 1998.
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SENATE SUMMARY

Provides that vehicular homicide or vessel homicide is a second-degree felony rather than a third-degree felony.
Provides that vehicular homicide or vessel homicide is a first-degree felony rather than a second-degree felony if the offender knew, or should have known, that an accident occurred and failed to give information and render aid.