

Bill No. CS for CS for SB 1666

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Mitchell moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 120, between lines 21 and 22,		
15			
16	insert:		
17	Section 54. Paragraph (b) in subsection (1) of s.		
18	921.0024, Florida Statutes, 1998 Supplement, is amended to		
19	read:		
20	921.0024 Criminal Punishment Code; worksheet		
21	computations; scoresheets.--		
22	(1)		
23	(b) WORKSHEET KEY:		
24			
25	Legal status points are assessed when any form of legal status		
26	existed at the time the offender committed an offense before		
27	the court for sentencing. Four (4) sentence points are		
28	assessed for an offender's legal status.		
29			
30	Community sanction violation points are assessed when a		
31	community sanction violation is before the court for		

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1 sentencing. Six (6) sentence points are assessed for each
2 community sanction violation, and each successive community
3 sanction violation; however, if the community sanction
4 violation includes a new felony conviction before the
5 sentencing court, twelve (12) community sanction violation
6 points are assessed for such violation, and for each
7 successive community sanction violation involving a new felony
8 conviction. Multiple counts of community sanction violations
9 before the sentencing court shall not be a basis for
10 multiplying the assessment of community sanction violation
11 points.

12

13 Prior serious felony points: If the offender has a primary
14 offense or any additional offense ranked in level 8, level 9,
15 or level 10, and one or more prior serious felonies, a single
16 assessment of 30 points shall be added. For purposes of this
17 section, a prior serious felony is an offense in the
18 offender's prior record that is ranked in level 8, level 9, or
19 level 10 under s. 921.0022 or s. 921.0023 and for which the
20 offender is serving a sentence of confinement, supervision, or
21 other sanction or for which the offender's date of release
22 from confinement, supervision, or other sanction, whichever is
23 later, is within 3 years before the date the primary offense
24 or any additional offense was committed.

25

26 Prior capital felony points: If the offender has one or more
27 prior capital felonies in the offender's criminal record,
28 points shall be added to the subtotal sentence points of the
29 offender equal to twice the number of points the offender
30 receives for the primary offense and any additional offense.
31 A prior capital felony in the offender's criminal record is a

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1 previous capital felony offense for which the offender has
2 entered a plea of nolo contendere or guilty or has been found
3 guilty; or a felony in another jurisdiction which is a capital
4 felony in that jurisdiction, or would be a capital felony if
5 the offense were committed in this state.

6
7 Possession of a firearm, semiautomatic firearm, or machine
8 gun: If the offender is convicted of committing or attempting
9 to commit any felony other than those enumerated in s.
10 775.087(2) while having in his possession: a firearm as
11 defined in s. 790.001(6), an additional 18 sentence points are
12 assessed; or if the offender is convicted of committing or
13 attempting to commit any felony other than those enumerated in
14 s. 775.087(3) while having in his possession a semiautomatic
15 firearm as defined in s. 775.087(3) or a machine gun as
16 defined in s. 790.001(9), an additional 25 sentence points are
17 assessed.

18
19 Sentencing multipliers:

20
21 Drug trafficking: If the primary offense is drug trafficking
22 under s. 893.135, the subtotal sentence points are multiplied,
23 at the discretion of the court, for a level 7 or level 8
24 offense, by 1.5. The state attorney may move the sentencing
25 court to reduce or suspend the sentence of a person convicted
26 of a level 7 or level 8 offense, if the offender provides
27 substantial assistance as described in s. 893.135(4).

28
29 Law enforcement protection: If the primary offense is a
30 violation of the Law Enforcement Protection Act under s.
31 775.0823(2), the subtotal sentence points are multiplied by

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1 2.5. If the primary offense is a violation of s. 775.0823(3),
2 (4), (5), (6), (7), or (8), the subtotal sentence points are
3 multiplied by 2.0. If the primary offense is a violation of s.
4 784.07(3) or s. 775.0875(1), or of the Law Enforcement
5 Protection Act under s. 775.0823(9) or (10), the subtotal
6 sentence points are multiplied by 1.5.

7
8 Grand theft of a motor vehicle: If the primary offense is
9 grand theft of the third degree involving a motor vehicle and
10 in the offender's prior record, there are three or more grand
11 thefts of the third degree involving a motor vehicle, the
12 subtotal sentence points are multiplied by 1.5.

13
14 Criminal street gang member: If the offender is convicted of
15 the primary offense and is found to have been a member of a
16 criminal street gang at the time of the commission of the
17 primary offense pursuant to s. 874.04, the subtotal sentence
18 points are multiplied by 1.5.

19
20 Domestic violence in the presence of a child: If the offender
21 is convicted of the primary offense and the primary offense is
22 a crime of domestic violence, as defined in s. 741.28, which
23 was committed in the presence of a child under 16 years of age
24 who is a family household member as defined in s. 741.28(2)
25 with the victim or perpetrator, the subtotal sentence points
26 are multiplied, ~~at the discretion of the court,~~ by 1.5.

27 Section 55. Subsection (7) of section 901.15, Florida
28 Statutes, 1998 Supplement, is amended and subsections (8) and
29 (9) are added to that section to read:

30 901.15 When arrest by officer without warrant is
31 lawful.--A law enforcement officer may arrest a person without

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1 a warrant when:

2 (7) There is probable cause to believe that the person
3 has committed+

4 ~~(a) an act of domestic violence, as defined in s.~~
5 ~~741.28.~~

6 ~~(b) Child abuse, as defined in s. 827.04(2) and (3).~~

7 ~~(c) Any battery upon another person, as defined in s.~~
8 ~~784.03.~~

9 ~~(d) An act of criminal mischief or a graffiti-related~~
10 ~~offense as described in s. 806.13.~~

11

12 ~~With respect to an arrest for an act of domestic violence, The~~
13 ~~decision to arrest shall not require consent of the victim or~~
14 ~~consideration of the relationship of the parties. It is the~~
15 ~~public policy of this state to strongly discourage arrest and~~
16 ~~charges of both parties for domestic violence on each other~~
17 ~~and to encourage training of law enforcement and prosecutors~~
18 ~~in this area. A law enforcement officer who acts in good faith~~
19 ~~and exercises due care in making an arrest under this~~
20 ~~subsection, under s. 741.31(4) or s. 784.047, or pursuant to a~~
21 ~~foreign order of protection accorded full faith and credit~~
22 ~~pursuant to s. 741.315, is immune from civil liability that~~
23 ~~otherwise might result by reason of his or her action.~~

24 (8) There is probable cause to believe that the person
25 has committed child abuse, as defined in s. 827.03. The
26 decision to arrest shall not require consent of the victim or
27 consideration of the relationship of the parties. It is the
28 public policy of this state to protect abused children by
29 strongly encouraging the arrest and prosecution of persons who
30 commit child abuse. A law enforcement officer who acts in good
31 faith and exercises due care in making an arrest under this

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1 subsection is immune from civil liability that otherwise might
2 result by reason of his or her action.

3 (9) There is probable cause to believe that the person
4 has committed:

5 (a) Any battery upon another person, as defined in s.
6 784.03.

7 (b) An act of criminal mischief or a graffiti-related
8 offense as described in s. 806.13.

9
10 (Redesignate subsequent sections.)

11
12

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 4, line 28, after the semicolon

16
17 insert:

18 amending s. 921.0024, F.S., requiring a
19 sentencing multiplier to be applied when
20 domestic violence is committed in the presence
21 of a minor child; amending s. 901.15, F.S.;
22 providing a preferred arrest policy in the
23 criminal investigation of child abuse;
24 providing immunity for law enforcement for such
25 arrests;

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