

By Representative Kelly

1 A bill to be entitled
2 An act relating to accessories after the fact;
3 amending s. 777.03, F.S.; deleting a limitation
4 on certain persons who qualify as accessories
5 after the fact; providing a penalty; providing
6 an effective date.

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

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10 Section 1. Section 777.03, Florida Statutes, as
11 amended by chapter 97-194, Laws of Florida, is amended to
12 read:

13 777.03 Accessory after the fact.--

14 (1) Any person ~~not standing in the relation of husband~~
15 ~~or wife, parent or grandparent, child or grandchild, brother~~
16 ~~or sister, by consanguinity or affinity to the offender, who~~
17 maintains or assists the principal or accessory before the
18 fact, or gives the offender any other aid, knowing that the
19 offender had committed a felony or been accessory thereto
20 before the fact, with intent that the offender avoids or
21 escapes detection, arrest, trial or punishment, is an
22 accessory after the fact.

23 (2)(a) If the felony offense committed is a capital
24 felony, the offense of accessory after the fact is a felony of
25 the first degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084.

27 (b) If the felony offense committed is a life felony
28 or a felony of the first degree, the offense of accessory
29 after the fact is a felony of the second degree, punishable as
30 provided in s. 775.082, s. 775.083, or s. 775.084.

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1 (c) If the felony offense committed is a felony of the
2 second degree or a felony of the third degree ranked in level
3 3, 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,
4 the offense of accessory after the fact is a felony of the
5 third degree, punishable as provided in s. 775.082, s.
6 775.083, or s. 775.084.

7 (d) If the felony offense committed is a felony of the
8 third degree ranked in level 1 or level 2 under s. 921.0022 or
9 s. 921.0023, the offense of accessory after the fact is a
10 misdemeanor of the first degree, punishable as provided in s.
11 775.082, s. 775.083, or s. 775.084.

12 (3) Except as otherwise provided in s. 921.0022, for
13 purposes of sentencing under chapter 921 and determining
14 incentive gain-time eligibility under chapter 944, the offense
15 of accessory after the fact is ranked two levels below the
16 ranking under s. 921.0022 or s. 921.0023 of the felony offense
17 committed.

18 Section 2. This act shall take effect October 1, 1999.

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21 HOUSE SUMMARY

22 Deletes a limitation excluding any person standing in the
23 relation of husband or wife, parent or grandparent, child
24 or grandchild, brother or sister, by consanguinity or
25 affinity to the offender from being considered an
26 accessory after the fact.
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