

By Senator Campbell

33-20-99

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.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 782.071, Florida Statutes, 1998
 18 Supplement, is amended to read:

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

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

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

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

31

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

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

6 (3) For purposes of this section, a fetus is viable
7 when it becomes capable of meaningful life outside the womb
8 through standard medical measures.

9 (4) A right of action for civil damages shall exist
10 under s. 768.19, under all circumstances, for all deaths
11 described in this section.

12 Section 2. Section 782.072, Florida Statutes, is
13 amended to read:

14 782.072 Vessel homicide.--"Vessel homicide" is the
15 killing of a human being by the operation of a vessel as
16 defined in s. 327.02 by another in a reckless manner likely to
17 cause the death of, or great bodily harm to, another. Vessel
18 homicide is:

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

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

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

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

27
28 This subsection does not require that the person knew that the
29 accident resulted in injury or death.

30
31

1 Section 3. Paragraphs (g) and (h) of subsection (3) of
2 section 921.0022, Florida Statutes, 1998 Supplement, are
3 amended to read:

4 921.0022 Criminal Punishment Code; offense severity
5 ranking chart.--

6 (3) OFFENSE SEVERITY RANKING CHART

7	8 Florida	9 Felony	
10	11 Statute	12 Degree	13 Description
14			(g) LEVEL 7
15	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
16	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
17	409.920(2)	3rd	Medicaid provider fraud.
18	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
19			
20	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
21			
22	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
23			
24			
25			
26			
27			
28			
29			
30			
31			

1	782.071	<u>2nd</u> 3rd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	<u>2nd</u> 3rd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.07(2)(d)	1st	Aggravated battery on law
19			enforcement officer.
20	784.08(2)(a)	1st	Aggravated battery on a person 65
21			years of age or older.
22	784.081(1)	1st	Aggravated battery on specified
23			official or employee.
24	784.082(1)	1st	Aggravated battery by detained
25			person on visitor or other
26			detainee.
27	784.083(1)	1st	Aggravated battery on code
28			inspector.
29	790.07(4)	1st	Specified weapons violation
30			subsequent to previous conviction
31			of s. 790.07(1) or (2).

1	790.16(1)	1st	Discharge of a machine gun under
2			specified circumstances.
3	796.03	2nd	Procuring any person under 16
4			years for prostitution.
5	800.04	2nd	Handle, fondle, or assault child
6			under 16 years in lewd,
7			lascivious, or indecent manner.
8	806.01(2)	2nd	Maliciously damage structure by
9			fire or explosive.
10	810.02(3)(a)	2nd	Burglary of occupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
15			unarmed; no assault or battery.
16	812.014(2)(a)	1st	Property stolen, valued at
17			\$100,000 or more; property stolen
18			while causing other property
19			damage; 1st degree grand theft.
20	812.019(2)	1st	Stolen property; initiates,
21			organizes, plans, etc., the theft
22			of property and traffics in
23			stolen property.
24	812.133(2)(b)	1st	Carjacking; no firearm, deadly
25			weapon, or other weapon.
26	825.102(3)(b)	2nd	Neglecting an elderly person or
27			disabled adult causing great
28			bodily harm, disability, or
29			disfigurement.
30			
31			

1	825.1025(2)	2nd	Lewd or lascivious battery upon
2			an elderly person or disabled
3			adult.
4	825.103(2)(b)	2nd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$20,000 or more, but
7			less than \$100,000.
8	827.03(3)(b)	2nd	Neglect of a child causing great
9			bodily harm, disability, or
10			disfigurement.
11	827.04(4)	3rd	Impregnation of a child under 16
12			years of age by person 21 years
13			of age or older.
14	837.05(2)	3rd	Giving false information about
15			alleged capital felony to a law
16			enforcement officer.
17	872.06	2nd	Abuse of a dead human body.
18	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
19			cocaine (or other drug prohibited
20			under s. 893.03(1)(a), (1)(b),
21			(1)(d), (2)(a), or (2)(b)) within
22			1,000 feet of a child care
23			facility or school.
24	893.13(1)(e)	1st	Sell, manufacture, or deliver
25			cocaine or other drug prohibited
26			under s. 893.03(1)(a), (1)(b),
27			(1)(d), (2)(a), or (2)(b), within
28			1,000 feet of property used for
29			religious services or a specified
30			business site.
31			

1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), or (2)(b) drugs).
4	893.135(1)(a)1.	1st	Trafficking in cannabis, more
5			than 50 lbs., less than 2,000
6			lbs.
7	893.135		
8	(1)(b)1.a.	1st	Trafficking in cocaine, more than
9			28 grams, less than 200 grams.
10	893.135		
11	(1)(c)1.a.	1st	Trafficking in illegal drugs,
12			more than 4 grams, less than 14
13			grams.
14	893.135		
15	(1)(d)1.	1st	Trafficking in phencyclidine,
16			more than 28 grams, less than 200
17			grams.
18	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
19			than 200 grams, less than 5
20			kilograms.
21	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
22			than 14 grams, less than 28
23			grams.
24	893.135		
25	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
26			grams or more, less than 14
27			grams.
28			(h) LEVEL 8
29	316.193		
30	(3)(c)3.a.	2nd	DUI manslaughter.
31	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.

1	777.03(2)(a)	1st	Accessory after the fact, capital
2			felony.
3	782.04(4)	2nd	Killing of human without design
4			when engaged in act or attempt of
5			any felony other than arson,
6			sexual battery, robbery,
7			burglary, kidnapping, aircraft
8			piracy, or unlawfully discharging
9			bomb.
10	782.051(2)	1st	Attempted felony murder while
11			perpetrating or attempting to
12			perpetrate a felony not
13			enumerated in s. 782.04(3).
14	782.071(2)	<u>1st</u> 2nd	Committing vehicular homicide and
15			failing to render aid or give
16			information.
17	782.072(2)	<u>1st</u> 2nd	Committing vessel homicide and
18			failing to render aid or give
19			information.
20	790.161(3)	1st	Discharging a destructive device
21			which results in bodily harm or
22			property damage.
23	794.011(5)	2nd	Sexual battery, victim 12 years
24			or over, offender does not use
25			physical force likely to cause
26			serious injury.
27	806.01(1)	1st	Maliciously damage dwelling or
28			structure by fire or explosive,
29			believing person in structure.
30	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
31			

1	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
2			or dangerous weapon.
3	810.02(2)(c)	1st	Burglary of a dwelling or
4			structure causing structural
5			damage or \$1,000 or more property
6			damage.
7	812.13(2)(b)	1st	Robbery with a weapon.
8	812.135(2)	1st	Home-invasion robbery.
9	825.102(2)	2nd	Aggravated abuse of an elderly
10			person or disabled adult.
11	825.103(2)(a)	1st	Exploiting an elderly person or
12			disabled adult and property is
13			valued at \$100,000 or more.
14	827.03(2)	2nd	Aggravated child abuse.
15	837.02(2)	2nd	Perjury in official proceedings
16			relating to prosecution of a
17			capital felony.
18	837.021(2)	2nd	Making contradictory statements
19			in official proceedings relating
20			to prosecution of a capital
21			felony.
22	860.121(2)(c)	1st	Shooting at or throwing any
23			object in path of railroad
24			vehicle resulting in great bodily
25			harm.
26	860.16	1st	Aircraft piracy.
27	893.13(1)(b)	1st	Sell or deliver in excess of 10
28			grams of any substance specified
29			in s. 893.03(1)(a) or (b).
30			
31			

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			
30			
31			

