

By Senator Rossin

35-645-99

See HB

1 A bill to be entitled
2 An act relating to robbery; amending s. 812.13,
3 F.S.; redefining the offense of robbery to
4 include robbery by sudden snatching; defining
5 "sudden snatching"; providing for
6 reclassification of the offense to a higher
7 degree under specified circumstances when the
8 offender carried a firearm or other deadly
9 weapon; providing penalties; amending s.
10 921.0022, F.S.; providing for ranking of
11 robbery by sudden snatching within the level 5
12 category of the offense severity ranking chart;
13 providing an effective date.

14
15 WHEREAS, the Legislature finds that it is in the best
16 interest of the citizens of this state not to require that
17 victims of theft or larceny by sudden snatching resist the
18 efforts of their assailant in order to establish the offense
19 of robbery, and

20 WHEREAS, the Legislature finds that it is in the best
21 interest of the citizens of this state to broaden the category
22 of offenses punishable as robbery to include the taking of
23 money or property by sudden snatching from another's person or
24 custody when there is no resistance offered by the victim,
25 NOW, THEREFORE,

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 812.13, Florida Statutes, is
30 amended to read:

31 812.13 Robbery.--

1 (1)(a) "Robbery" means the taking of money or other
2 property which may be the subject of larceny from the person
3 or custody of another, with intent to either permanently or
4 temporarily deprive the person or the owner of the money or
5 other property, when in the course of the taking there is the
6 use of force, a sudden snatching, violence, assault, or
7 putting in fear.

8 (b) "Sudden snatching" means taking possession of
9 money or other property from the victim, when the victim was
10 aware of the taking. In order to satisfy this definition, it
11 is not necessary to show that:

12 1. The offender used any amount of force beyond that
13 effort necessary to obtain possession of the money or other
14 property; or

15 2. There was any resistance offered by the victim to
16 the offender or injury to the victim's person.

17 (2)(a) If in the course of committing the robbery the
18 offender carried a firearm or other deadly weapon, then the
19 robbery is a felony of the first degree, punishable by
20 imprisonment for a term of years not exceeding life
21 imprisonment or as provided in s. 775.082, s. 775.083, or s.
22 775.084.

23 (b) If in the course of committing the robbery the
24 offender carried a weapon, then the robbery is a felony of the
25 first degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084, except in the case of robbery by
27 sudden snatching, as provided in paragraph (c).

28 (c) If in the course of committing the robbery the
29 offender carried no firearm, deadly weapon, or other weapon,
30 then the robbery is a felony of the second degree, punishable
31 as provided in s. 775.082, s. 775.083, or s. 775.084, except

1 in the case of robbery by sudden snatching. If the robbery
2 committed was by sudden snatching and no firearm or other
3 deadly weapon was carried, then the robbery is a felony of the
4 third degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084.

6 (3)(a) An act shall be deemed "in the course of
7 committing the robbery" if it occurs in an attempt to commit
8 robbery or in flight after the attempt or commission.

9 (b) An act shall be deemed "in the course of the
10 taking" if it occurs either prior to, contemporaneous with, or
11 subsequent to the taking of the property and if it and the act
12 of taking constitute a continuous series of acts or events.

13 Section 2. Paragraph (e) of subsection (3) of section
14 921.0022, Florida Statutes, 1998 Supplement, is amended to
15 read:

16 921.0022 Criminal Punishment Code; offense severity
17 ranking chart.--

18 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(e) LEVEL 5
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)	2nd	Aggravated fleeing or eluding.

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1	322.34(3)	3rd	Careless operation of motor
2			vehicle with suspended license,
3			resulting in death or serious
4			bodily injury.
5	327.30(5)	3rd	Vessel accidents involving
6			personal injury; leaving scene.
7	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
8			knowing HIV positive.
9	790.01(2)	3rd	Carrying a concealed firearm.
10	790.162	2nd	Threat to throw or discharge
11			destructive device.
12	790.163	2nd	False report of deadly explosive.
13	790.165(2)	3rd	Manufacture, sell, possess, or
14			deliver hoax bomb.
15	790.221(1)	2nd	Possession of short-barreled
16			shotgun or machine gun.
17	790.23	2nd	Felons in possession of firearms
18			or electronic weapons or devices.
19	806.111(1)	3rd	Possess, manufacture, or dispense
20			fire bomb with intent to damage
21			any structure or property.
22	812.019(1)	2nd	Stolen property; dealing in or
23			trafficking in.
24	<u>812.13(2)(c)</u>	<u>3rd</u>	<u>Robbery by sudden snatching.</u>
25	812.16(2)	3rd	Owning, operating, or conducting
26			a chop shop.
27	817.034(4)(a)2.	2nd	Communications fraud, value
28			\$20,000 to \$50,000.
29	825.1025(4)	3rd	Lewd or lascivious exhibition in
30			the presence of an elderly person
31			or disabled adult.

1	827.071(4)	2nd	Possess with intent to promote
2			any photographic material, motion
3			picture, etc., which includes
4			sexual conduct by a child.
5	843.01	3rd	Resist officer with violence to
6			person; resist arrest with
7			violence.
8	874.05(2)	2nd	Encouraging or recruiting another
9			to join a criminal street gang;
10			second or subsequent offense.
11	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
12			cocaine (or other s.
13			893.03(1)(a), (1)(b), (1)(d),
14			(2)(a), or (2)(b) drugs).
15	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
16			cannabis (or other s.
17			893.03(1)(c), (2)(c), (3), or (4)
18			drugs) within 1,000 feet of a
19			child care facility or school.
20	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
21			cocaine (or other s.
22			893.03(1)(a), (1)(b), (1)(d),
23			(2)(a), or (2)(b) drugs) within
24			200 feet of university or public
25			park.
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- 1 893.13(1)(e) 2nd Sell, manufacture, or deliver
2 cannabis or other drug prohibited
3 under s. 893.03(1)(c), (2)(c),
4 (3), or (4) within 1,000 feet of
5 property used for religious
6 services or a specified business
7 site.
- 8 893.13(1)(f)1. 1st Sell, manufacture, or deliver
9 cocaine (or other s.
10 893.03(1)(a), (1)(b), (1)(d), or
11 (2)(a), or (2)(b) drugs) within
12 200 feet of public housing
13 facility.
- 14 893.13(4)(b) 2nd Deliver to minor cannabis (or
15 other s. 893.03(1)(c), (2)(c),
16 (3), or (4) drugs).

17 Section 3. This act shall take effect October 1, 1999.

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20 LEGISLATIVE SUMMARY

21 Redefines the offense of robbery to include robbery by
22 sudden snatching. Provides for reclassification of the
23 offense to a higher degree under specified circumstances
24 when the offender carried a firearm or other deadly
25 weapon. Provides for ranking of the third-degree felony
26 offense of robbery by sudden snatching within the level 5
27 category of the Criminal Punishment Code offense severity
28 ranking chart.
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