

By the Committee on Criminal Justice and Senator Rossin

307-1738-99

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A bill to be entitled  
An act relating to robbery by sudden snatching;  
creating s. 812.131, F.S.; defining the offense  
of robbery by sudden snatching; providing  
penalties for robbery by sudden snatching;  
providing construction; amending s. 921.0022,  
F.S.; providing for ranking robbery by sudden  
snatching within levels 5 and 7 of the offense  
severity ranking chart; providing an effective  
date.

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

Section 1. Section 812.131, Florida Statutes, is  
created to read:

812.131 Robbery by sudden snatching.--

(1) "Robbery by sudden snatching" means the taking of  
money or other property from the victim's person with intent  
to either permanently or temporarily deprive the victim or the  
owner of the money or other property when, in the course of  
the taking, the victim was or became aware of the taking. In  
order to satisfy this definition, it is not necessary to show  
that:

(a) The offender used any amount of force beyond that  
effort necessary to obtain possession of the money or other  
property; or

(b) There was any resistance offered by the victim to  
the offender or that there was injury to the victim's person.

(2)(a) If, in the course of committing a robbery by  
sudden snatching, the offender carried a firearm or other  
deadly weapon, the robbery by sudden snatching is a felony of

1 the second degree, punishable as provided in s. 775.082, s.  
2 775.083, or s. 775.084.

3 (b) If, in the course of committing a robbery by  
4 sudden snatching, the offender carried no firearm or other  
5 deadly weapon, the robbery by sudden snatching is a felony of  
6 the third degree, punishable as provided in s. 775.082, s.  
7 775.083, or s. 775.084.

8 (3)(a) An act shall be deemed "in the course of  
9 committing a robbery by sudden snatching" if the act occurs in  
10 an attempt to commit robbery by sudden snatching or in fleeing  
11 after the attempt or commission.

12 (b) An act shall be deemed "in the course of the  
13 taking" if the act occurs prior to, contemporaneous with, or  
14 subsequent to the taking of the property and if such act and  
15 the act of taking constitute a continuous series of acts or  
16 events.

17 Section 2. Paragraphs (e) and (g) of subsection (3) of  
18 section 921.0022, Florida Statutes, 1998 Supplement, are  
19 amended to read:

20 921.0022 Criminal Punishment Code; offense severity  
21 ranking chart.--

22 (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.

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>812.131(2)(b)</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			(g) LEVEL 7
18	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
19			injury.
20	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
21			bodily injury.
22	409.920(2)	3rd	Medicaid provider fraud.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
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1	782.051(3)	2nd	Attempted felony murder of a
2			person by a person other than the
3			perpetrator or the perpetrator of
4			an attempted felony.
5	782.07(1)	2nd	Killing of a human being by the
6			act, procurement, or culpable
7			negligence of another
8			(manslaughter).
9	782.071	3rd	Killing of human being or viable
10			fetus by the operation of a motor
11			vehicle in a reckless manner
12			(vehicular homicide).
13	782.072	3rd	Killing of a human being by the
14			operation of a vessel in a
15			reckless manner (vessel
16			homicide).
17	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
18			causing great bodily harm or
19			disfigurement.
20	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
21			weapon.
22	784.045(1)(b)	2nd	Aggravated battery; perpetrator
23			aware victim pregnant.
24	784.048(4)	3rd	Aggravated stalking; violation of
25			injunction or court order.
26	784.07(2)(d)	1st	Aggravated battery on law
27			enforcement officer.
28	784.08(2)(a)	1st	Aggravated battery on a person 65
29			years of age or older.
30	784.081(1)	1st	Aggravated battery on specified
31			official or employee.

1	784.082(1)	1st	Aggravated battery by detained
2			person on visitor or other
3			detainee.
4	784.083(1)	1st	Aggravated battery on code
5			inspector.
6	790.07(4)	1st	Specified weapons violation
7			subsequent to previous conviction
8			of s. 790.07(1) or (2).
9	790.16(1)	1st	Discharge of a machine gun under
10			specified circumstances.
11	796.03	2nd	Procuring any person under 16
12			years for prostitution.
13	800.04	2nd	Handle, fondle, or assault child
14			under 16 years in lewd,
15			lascivious, or indecent manner.
16	806.01(2)	2nd	Maliciously damage structure by
17			fire or explosive.
18	810.02(3)(a)	2nd	Burglary of occupied dwelling;
19			unarmed; no assault or battery.
20	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
21			unarmed; no assault or battery.
22	810.02(3)(d)	2nd	Burglary of occupied conveyance;
23			unarmed; no assault or battery.
24	812.014(2)(a)	1st	Property stolen, valued at
25			\$100,000 or more; property stolen
26			while causing other property
27			damage; 1st degree grand theft.
28	812.019(2)	1st	Stolen property; initiates,
29			organizes, plans, etc., the theft
30			of property and traffics in
31			stolen property.

1	<u>812.131(2)(a)</u>	<u>2nd</u>	<u>Robbery by sudden snatching.</u>
2	812.133(2)(b)	1st	Carjacking; no firearm, deadly
3			weapon, or other weapon.
4	825.102(3)(b)	2nd	Neglecting an elderly person or
5			disabled adult causing great
6			bodily harm, disability, or
7			disfigurement.
8	825.1025(2)	2nd	Lewd or lascivious battery upon
9			an elderly person or disabled
10			adult.
11	825.103(2)(b)	2nd	Exploiting an elderly person or
12			disabled adult and property is
13			valued at \$20,000 or more, but
14			less than \$100,000.
15	827.03(3)(b)	2nd	Neglect of a child causing great
16			bodily harm, disability, or
17			disfigurement.
18	827.04(4)	3rd	Impregnation of a child under 16
19			years of age by person 21 years
20			of age or older.
21	837.05(2)	3rd	Giving false information about
22			alleged capital felony to a law
23			enforcement officer.
24	872.06	2nd	Abuse of a dead human body.
25	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
26			cocaine (or other drug prohibited
27			under s. 893.03(1)(a), (1)(b),
28			(1)(d), (2)(a), or (2)(b)) within
29			1,000 feet of a child care
30			facility or school.
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1	893.13(1)(e)	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), or (2)(b), within
5			1,000 feet of property used for
6			religious services or a specified
7			business site.
8	893.13(4)(a)	1st	Deliver to minor cocaine (or
9			other s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), or (2)(b) drugs).
11	893.135(1)(a)1.	1st	Trafficking in cannabis, more
12			than 50 lbs., less than 2,000
13			lbs.
14	893.135		
15	(1)(b)1.a.	1st	Trafficking in cocaine, more than
16			28 grams, less than 200 grams.
17	893.135		
18	(1)(c)1.a.	1st	Trafficking in illegal drugs,
19			more than 4 grams, less than 14
20			grams.
21	893.135		
22	(1)(d)1.	1st	Trafficking in phencyclidine,
23			more than 28 grams, less than 200
24			grams.
25	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
26			than 200 grams, less than 5
27			kilograms.
28	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
29			than 14 grams, less than 28
30			grams.
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1 893.135

2 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4  
3 grams or more, less than 14  
4 grams.

5 876.32 1st Treason against the state.

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

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
9 COMMITTEE SUBSTITUTE FOR  
10 Senate Bill 772

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11 - Creates a new section of Florida Statutes: 812.131, to  
12 provide for sudden snatching robbery offense.

13 - Provides that sudden snatching robbery is punished as a  
14 second degree felony when the defendant carried a  
firearm or other deadly weapon.

15 - Ranks sudden snatching robbery with a firearm or deadly  
16 weapon a level 7 offense in the Criminal Punishment  
Code's Offense Severity Ranking Chart.

17 - Provides that sudden snatching means a taking from the  
victim's person.

18 - Provides that the victim must be aware of the theft "in  
19 the course of the taking."

20 - Provides that the phrase "in the course of the taking"  
21 is deemed a continuous series of acts of events which  
occur prior to, contemporaneous with, or subsequent to  
the taking of the property.

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