

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Crime & Punishment offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 843.021, Florida Statutes, is created to read:

843.021 Unlawful possession of a concealed handcuff key.--

(1) As used in this section, the term:

(a) "In custody" means any time while a person has been placed by a law enforcement officer in handcuffs, regardless of whether such person is under formal arrest.

(b) "Handcuff key" means any key, tool, device, implement, or other thing used, designed, or intended to aid in unlocking or removing handcuffs.

(c) "Concealed handcuff key" means any handcuff key carried by a person in a manner that indicates an intent to prevent discovery of the key by a law enforcement officer, including, but not limited to, a handcuff key carried:

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- 1           1. In a pocket of a piece of clothing of a person, and  
2 unconnected to any key ring;  
3           2. On a necklace of a person;  
4           3. On the body part of a person or on any item of  
5 clothing of such person, when the handcuff key is secured on  
6 the body part or item of clothing by use of tape, glue, line,  
7 or other material;  
8           4. In or within any compartment, seam, fold, or other  
9 encasement within any item of clothing, belt, shoe, or jewelry  
10 of a person;  
11           5. In or within any sock, hose, shoe, belt,  
12 undergarment, glove, hat, or similar item of clothing or  
13 accessory of a person;  
14           6. By a person and disguised as jewelry or other  
15 object; or  
16           7. In or within any body cavity of a person.  
17           (2) Any person who possesses a concealed handcuff key  
18 commits a felony of the third degree, punishable as provided  
19 in s. 775.082, s. 775.083, or s. 775.084.  
20           (3) It is a defense to a charge of violating this  
21 section that, immediately upon being placed in custody, the  
22 person in custody actually and effectively disclosed to the  
23 law enforcement officer that he or she was in possession of a  
24 concealed handcuff key.  
25           (4)(a) It is a defense to a charge of violating this  
26 section that the person in custody and in possession of a  
27 concealed handcuff key is:  
28           1. A federal, state, or local law enforcement officer,  
29 including a reserve or auxiliary officer, a licensed security  
30 officer, or a private investigator as defined in s. 493.6101;  
31 or

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1           2. A professional bail bond agent, temporary bail bond  
2 agent, runner, or limited surety agent as defined in s.  
3 648.25.

4           (b) However, the defense is not available to any  
5 officer, investigator, agent, or runner listed in this  
6 subsection if the officer, investigator, agent, or runner,  
7 immediately upon being placed in custody, fails to actually  
8 and effectively disclose possession of the concealed handcuff  
9 key.

10           Section 2. Paragraph (d) of subsection (3) of section  
11 921.0022, Florida Statutes, is amended to read:

12           921.0022 Criminal Punishment Code; offense severity  
13 ranking chart.--

14           (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
(d) LEVEL 4		
316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.075	3rd	Battery on detention or commitment facility staff.

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1	784.08(2)(c)	3rd	Battery on a person 65 years of
2			age or older.
3	784.081(3)	3rd	Battery on specified official or
4			employee.
5	784.082(3)	3rd	Battery by detained person on
6			visitor or other detainee.
7	784.083(3)	3rd	Battery on code inspector.
8	787.03(1)	3rd	Interference with custody;
9			wrongly takes child from
10			appointed guardian.
11	787.04(2)	3rd	Take, entice, or remove child
12			beyond state limits with criminal
13			intent pending custody
14			proceedings.
15	787.04(3)	3rd	Carrying child beyond state lines
16			with criminal intent to avoid
17			producing child at custody
18			hearing or delivering to
19			designated person.
20	790.115(1)	3rd	Exhibiting firearm or weapon
21			within 1,000 feet of a school.
22	790.115(2)(b)	3rd	Possessing electric weapon or
23			device, destructive device, or
24			other weapon on school property.
25	790.115(2)(c)	3rd	Possessing firearm on school
26			property.
27	800.04(7)(c)	3rd	Lewd or lascivious exhibition;
28			offender less than 18 years.
29	810.02(4)(a)	3rd	Burglary, or attempted burglary,
30			of an unoccupied structure;
31			unarmed; no assault or battery.

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1	810.02(4)(b)	3rd	Burglary, or attempted burglary,
2			of an unoccupied conveyance;
3			unarmed; no assault or battery.
4	810.06	3rd	Burglary; possession of tools.
5	810.08(2)(c)	3rd	Trespass on property, armed with
6			firearm or dangerous weapon.
7	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
8			or more but less than \$20,000.
9	812.014		
10	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
11			firearm, motor vehicle,
12			livestock, etc.
13	817.563(1)	3rd	Sell or deliver substance other
14			than controlled substance agreed
15			upon, excluding s. 893.03(5)
16			drugs.
17	828.125(1)	2nd	Kill, maim, or cause great bodily
18			harm or permanent breeding
19			disability to any registered
20			horse or cattle.
21	837.02(1)	3rd	Perjury in official proceedings.
22	837.021(1)	3rd	Make contradictory statements in
23			official proceedings.
24	<u>843.021</u>	<u>3rd</u>	<u>Possession of a concealed</u>
25			<u>handcuff key by a person in</u>
26			<u>custody.</u>
27	843.025	3rd	Deprive law enforcement,
28			correctional, or correctional
29			probation officer of means of
30			protection or communication.
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- 1 843.15(1)(a) 3rd Failure to appear while on bail
- 2 for felony (bond estreature or
- 3 bond jumping).
- 4 874.05(1) 3rd Encouraging or recruiting another
- 5 to join a criminal street gang.
- 6 893.13(2)(a)1. 2nd Purchase of cocaine (or other s.
- 7 893.03(1)(a), (b), or (d), or
- 8 (2)(a) or (b) drugs).
- 9 914.14(2) 3rd Witnesses accepting bribes.
- 10 914.22(1) 3rd Force, threaten, etc., witness,
- 11 victim, or informant.
- 12 914.23(2) 3rd Retaliation against a witness,
- 13 victim, or informant, no bodily
- 14 injury.
- 15 918.12 3rd Tampering with jurors.

16 Section 3. This act shall take effect July 1, 2000.

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

20 And the title is amended as follows:

21 On page 1, lines 2-7,  
 22 remove from the title of the bill: all of said lines,  
 23  
 24 and insert in lieu thereof:

25 An act relating to the offense of possessing a  
 26 concealed handcuff key; creating s. 843.021,  
 27 F.S.; providing definitions; providing that it  
 28 is a third degree felony for a person placed in  
 29 custody to possess a concealed handcuff key;  
 30 providing that disclosure of such possession to  
 31 a law enforcement officer is a defense to the

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1 charge of unlawfully possessing a concealed  
2 handcuff key; amending s. 921.0022, F.S.,  
3 relating to the Criminal Punishment Code;  
4 including the offense of possessing a concealed  
5 handcuff key on the offense severity ranking  
6 chart; providing an effective date.  
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