

By Senator Campbell

33-245A-00

See HB

1                                   A bill to be entitled  
 2           An act relating to criminal justice; amending  
 3           s. 782.04, F.S.; making it a capital felony to  
 4           commit the unlawful killing of a human being  
 5           while perpetrating or attempting to perpetrate  
 6           the act of resisting a law enforcement officer  
 7           with violence; providing penalties for  
 8           specified murders involving the perpetration of  
 9           or the attempt to perpetrate the act of  
 10          resisting a law enforcement officer with  
 11          violence; reenacting ss. 775.0823(1), (2), (3),  
 12          (4), (5), and (6), 782.051, 903.133,  
 13          921.0022(3)(h), (i), and (j), and  
 14          947.146(3)(i), F.S., relating to violent  
 15          offenses committed against law enforcement  
 16          officers, correctional officers, state  
 17          attorneys, assistant state attorneys, justices,  
 18          or judges, relating to attempted felony murder,  
 19          relating to bail on appeal prohibited for  
 20          certain felony convictions, relating to the  
 21          Criminal Punishment Code offense severity  
 22          ranking chart, and relating to the Control  
 23          Release Authority; providing an effective date.

24  
 25 Be It Enacted by the Legislature of the State of Florida:

26  
 27           Section 1. Section 782.04, Florida Statutes, is  
 28 amended to read:

29           782.04 Murder.--

30           (1)(a) The unlawful killing of a human being:

31

- 1           1. When perpetrated from a premeditated design to  
2 effect the death of the person killed or any human being;  
3           2. When committed by a person engaged in the  
4 perpetration of, or in the attempt to perpetrate, any:  
5           a. Trafficking offense prohibited by s. 893.135(1),  
6           b. Arson,  
7           c. Sexual battery,  
8           d. Robbery,  
9           e. Burglary,  
10          f. Kidnapping,  
11          g. Escape,  
12          h. Aggravated child abuse,  
13          i. Aggravated abuse of an elderly person or disabled  
14 adult,  
15          j. Aircraft piracy,  
16          k. Unlawful throwing, placing, or discharging of a  
17 destructive device or bomb,  
18          l. Carjacking,  
19          m. Home-invasion robbery,  
20          n. Aggravated stalking,  
21          o. Murder of another human being, ~~or~~  
22          p. Resisting a law enforcement officer with violence;  
23 or  
24          3. Which resulted from the unlawful distribution of  
25 any substance controlled under s. 893.03(1), cocaine as  
26 described in s. 893.03(2)(a)4., or opium or any synthetic or  
27 natural salt, compound, derivative, or preparation of opium by  
28 a person 18 years of age or older, when such drug is proven to  
29 be the proximate cause of the death of the user,  
30  
31

1 is murder in the first degree and constitutes a capital  
2 felony, punishable as provided in s. 775.082.

3 (b) In all cases under this section, the procedure set  
4 forth in s. 921.141 shall be followed in order to determine  
5 sentence of death or life imprisonment.

6 (2) The unlawful killing of a human being, when  
7 perpetrated by any act imminently dangerous to another and  
8 evincing a depraved mind regardless of human life, although  
9 without any premeditated design to effect the death of any  
10 particular individual, is murder in the second degree and  
11 constitutes a felony of the first degree, punishable by  
12 imprisonment for a term of years not exceeding life or as  
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 (3) When a person is killed in the perpetration of, or  
15 in the attempt to perpetrate, any:

16 (a) Trafficking offense prohibited by s. 893.135(1),

17 (b) Arson,

18 (c) Sexual battery,

19 (d) Robbery,

20 (e) Burglary,

21 (f) Kidnapping,

22 (g) Escape,

23 (h) Aggravated child abuse,

24 (i) Aggravated abuse of an elderly person or disabled  
25 adult,

26 (j) Aircraft piracy,

27 (k) Unlawful throwing, placing, or discharging of a  
28 destructive device or bomb,

29 (l) Carjacking,

30 (m) Home-invasion robbery,

31 (n) Aggravated stalking, ~~or~~

1           (o) Murder of another human being, or  
2           (p) Resisting a law enforcement officer with violence,  
3  
4 by a person other than the person engaged in the perpetration  
5 of or in the attempt to perpetrate such felony, the person  
6 perpetrating or attempting to perpetrate such felony is guilty  
7 of murder in the second degree, which constitutes a felony of  
8 the first degree, punishable by imprisonment for a term of  
9 years not exceeding life or as provided in s. 775.082, s.  
10 775.083, or s. 775.084.  
11           (4) The unlawful killing of a human being, when  
12 perpetrated without any design to effect death, by a person  
13 engaged in the perpetration of, or in the attempt to  
14 perpetrate, any felony other than any:  
15           (a) Trafficking offense prohibited by s. 893.135(1),  
16           (b) Arson,  
17           (c) Sexual battery,  
18           (d) Robbery,  
19           (e) Burglary,  
20           (f) Kidnapping,  
21           (g) Escape,  
22           (h) Aggravated child abuse,  
23           (i) Aggravated abuse of an elderly person or disabled  
24 adult,  
25           (j) Aircraft piracy,  
26           (k) Unlawful throwing, placing, or discharging of a  
27 destructive device or bomb,  
28           (l) Unlawful distribution of any substance controlled  
29 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,  
30 or opium or any synthetic or natural salt, compound,  
31 derivative, or preparation of opium by a person 18 years of

1 age or older, when such drug is proven to be the proximate  
2 cause of the death of the user,  
3 (m) Carjacking,  
4 (n) Home-invasion robbery,  
5 (o) Aggravated stalking, ~~or~~  
6 (p) Murder of another human being, or  
7 (q) Resisting a law enforcement officer with violence,  
8

9 is murder in the third degree and constitutes a felony of the  
10 second degree, punishable as provided in s. 775.082, s.  
11 775.083, or s. 775.084.

12 Section 2. For the purpose of incorporating the  
13 amendments made by this act to section 782.04, Florida  
14 Statutes, in references thereto, subsections (1), (2), (3),  
15 (4), (5) and (6) of section 775.0823, Florida Statutes, are  
16 reenacted to read:

17 775.0823 Violent offenses committed against law  
18 enforcement officers, correctional officers, state attorneys,  
19 assistant state attorneys, justices, or judges.--Any provision  
20 of law to the contrary notwithstanding, the Legislature does  
21 hereby provide for an increase and certainty of penalty for  
22 any person convicted of a violent offense against any law  
23 enforcement or correctional officer, as defined in s.  
24 943.10(1), (2), (3), (6), (7), (8), or (9); against any state  
25 attorney elected pursuant to s. 27.01 or assistant state  
26 attorney appointed under s. 27.181; or against any justice or  
27 judge of a court described in Art. V of the State  
28 Constitution, which offense arises out of or in the scope of  
29 the officer's duty as a law enforcement or correctional  
30 officer, the state attorney's or assistant state attorney's  
31

1 duty as a prosecutor or investigator, or the justice's or  
2 judge's duty as a judicial officer, as follows:

3 (1) For murder in the first degree as described in s.  
4 782.04(1), if the death sentence is not imposed, a sentence of  
5 imprisonment for life without eligibility for release.

6 (2) For attempted murder in the first degree as  
7 described in s. 782.04(1), a sentence pursuant to the Criminal  
8 Punishment Code.

9 (3) For murder in the second degree as described in s.  
10 782.04(2) and (3), a sentence pursuant to the Criminal  
11 Punishment Code.

12 (4) For attempted murder in the second degree as  
13 described in s. 782.04(2) and (3), a sentence pursuant to the  
14 Criminal Punishment Code.

15 (5) For murder in the third degree as described in s.  
16 782.04(4), a sentence pursuant to the Criminal Punishment  
17 Code.

18 (6) For attempted murder in the third degree as  
19 described in s. 782.04(4), a sentence pursuant to the Criminal  
20 Punishment Code.

21  
22 Notwithstanding the provisions of s. 948.01, with respect to  
23 any person who is found to have violated this section,  
24 adjudication of guilt or imposition of sentence shall not be  
25 suspended, deferred, or withheld.

26 Section 3. For the purpose of incorporating the  
27 amendments made by this act to section 782.04, Florida  
28 Statutes, in references thereto, section 782.051, Florida  
29 Statutes, is reenacted to read:

30 782.051 Attempted felony murder.--  
31

1           (1) Any person who perpetrates or attempts to  
2     perpetrate any felony enumerated in s. 782.04(3) and who  
3     commits, aids, or abets an intentional act that is not an  
4     essential element of the felony and that could, but does not,  
5     cause the death of another commits a felony of the first  
6     degree, punishable by imprisonment for a term of years not  
7     exceeding life, or as provided in s. 775.082, s. 775.083, or  
8     s. 775.084, which is an offense ranked in level 9 of the  
9     Criminal Punishment Code. Victim injury points shall be scored  
10    under this subsection.

11           (2) Any person who perpetrates or attempts to  
12    perpetrate any felony other than a felony enumerated in s.  
13    782.04(3) and who commits, aids, or abets an intentional act  
14    that is not an essential element of the felony and that could,  
15    but does not, cause the death of another commits a felony of  
16    the first degree, punishable as provided in s. 775.082, s.  
17    775.083, or s. 775.084, which is an offense ranked in level 8  
18    of the Criminal Punishment Code. Victim injury points shall be  
19    scored under this subsection.

20           (3) When a person is injured during the perpetration  
21    of or the attempt to perpetrate any felony enumerated in s.  
22    782.04(3) by a person other than the person engaged in the  
23    perpetration of or the attempt to perpetrate such felony, the  
24    person perpetrating or attempting to perpetrate such felony  
25    commits a felony of the second degree, punishable as provided  
26    in s. 775.082, s. 775.083, or s. 775.084, which is an offense  
27    ranked in level 7 of the Criminal Punishment Code. Victim  
28    injury points shall be scored under this subsection.

29           Section 4. For the purpose of incorporating the  
30    amendments made by this act to section 782.04, Florida

31

1 Statutes, in references thereto, section 903.133, Florida  
2 Statutes, is reenacted to read:

3           903.133 Bail on appeal; prohibited for certain felony  
4 convictions.--Notwithstanding the provisions of s. 903.132, no  
5 person adjudged guilty of a felony of the first degree for a  
6 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
7 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
8 violation of s. 794.011(2) or (3), shall be admitted to bail  
9 pending review either by posttrial motion or appeal.

10           Section 5. For the purpose of incorporating the  
11 amendments made by this act to section 782.04, Florida  
12 Statutes, in references thereto, paragraphs (h) and (i) of  
13 subsection (3) of section 921.0022, Florida Statutes, are  
14 reenacted to read:

15           921.0022 Criminal Punishment Code; offense severity  
16 ranking chart.--

17           (3) OFFENSE SEVERITY RANKING CHART

18

19 Florida	Felony	
20 Statute	Degree	Description
		(h) LEVEL 8
23 316.193		
24 (3)(c)3.a.	2nd	DUI manslaughter.
25 327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
26 777.03(2)(a)	1st	Accessory after the fact, capital
		felony.

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28  
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1	782.04(4)	2nd	Killing of human without design
2			when engaged in act or attempt of
3			any felony other than arson,
4			sexual battery, robbery,
5			burglary, kidnapping, aircraft
6			piracy, or unlawfully discharging
7			bomb.
8	782.051(2)	1st	Attempted felony murder while
9			perpetrating or attempting to
10			perpetrate a felony not
11			enumerated in s. 782.04(3).
12	782.071(2)	1st	Committing vehicular homicide and
13			failing to render aid or give
14			information.
15	782.072(2)	1st	Committing vessel homicide and
16			failing to render aid or give
17			information.
18	790.161(3)	1st	Discharging a destructive device
19			which results in bodily harm or
20			property damage.
21	794.011(5)	2nd	Sexual battery, victim 12 years
22			or over, offender does not use
23			physical force likely to cause
24			serious injury.
25	800.04(4)	2nd	Lewd or lascivious battery.
26	806.01(1)	1st	Maliciously damage dwelling or
27			structure by fire or explosive,
28			believing person in structure.
29	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
30	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
31			or dangerous weapon.

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

1	893.13(6)(c)	1st	Possess in excess of 10 grams of
2			any substance specified in s.
3			893.03(1)(a) or (b).
4	893.135(1)(a)2.	1st	Trafficking in cannabis, more
5			than 2,000 lbs., less than 10,000
6			lbs.
7	893.135		
8	(1)(b)1.b.	1st	Trafficking in cocaine, more than
9			200 grams, less than 400 grams.
10	893.135		
11	(1)(c)1.b.	1st	Trafficking in illegal drugs,
12			more than 14 grams, less than 28
13			grams.
14	893.135		
15	(1)(d)1.b.	1st	Trafficking in phencyclidine,
16			more than 200 grams, less than
17			400 grams.
18	893.135		
19	(1)(e)1.b.	1st	Trafficking in methaqualone, more
20			than 5 kilograms, less than 25
21			kilograms.
22	893.135		
23	(1)(f)1.b.	1st	Trafficking in amphetamine, more
24			than 28 grams, less than 200
25			grams.
26	893.135		
27	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
28			grams or more, less than 28
29			grams.
30			
31			

1	895.03(1)	1st	Use or invest proceeds derived
2			from pattern of racketeering
3			activity.
4	895.03(2)	1st	Acquire or maintain through
5			racketeering activity any
6			interest in or control of any
7			enterprise or real property.
8	895.03(3)	1st	Conduct or participate in any
9			enterprise through pattern of
10			racketeering activity.
11			(i) LEVEL 9
12	316.193		
13	(3)(c)3.b.	1st	DUI manslaughter; failing to
14			render aid or give information.
15	782.04(1)	1st	Attempt, conspire, or solicit to
16			commit premeditated murder.
17	782.04(3)	1st,PBL	Accomplice to murder in
18			connection with arson, sexual
19			battery, robbery, burglary, and
20			other specified felonies.
21	782.051(1)	1st	Attempted felony murder while
22			perpetrating or attempting to
23			perpetrate a felony enumerated in
24			s. 782.04(3).
25	782.07(2)	1st	Aggravated manslaughter of an
26			elderly person or disabled adult.
27	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
28			reward or as a shield or hostage.
29	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
30			or facilitate commission of any
31			felony.

1	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
2			interfere with performance of any
3			governmental or political
4			function.
5	787.02(3)(a)	1st	False imprisonment; child under
6			age 13; perpetrator also commits
7			aggravated child abuse, sexual
8			battery, or lewd or lascivious
9			battery, molestation, conduct, or
10			exhibition.
11	790.161	1st	Attempted capital destructive
12			device offense.
13	794.011(2)	1st	Attempted sexual battery; victim
14			less than 12 years of age.
15	794.011(2)	Life	Sexual battery; offender younger
16			than 18 years and commits sexual
17			battery on a person less than 12
18			years.
19	794.011(4)	1st	Sexual battery; victim 12 years
20			or older, certain circumstances.
21	794.011(8)(b)	1st	Sexual battery; engage in sexual
22			conduct with minor 12 to 18 years
23			by person in familial or
24			custodial authority.
25	800.04(5)(b)	1st	Lewd or lascivious molestation;
26			victim less than 12 years;
27			offender 18 years or older.
28	812.13(2)(a)	1st,PBL	Robbery with firearm or other
29			deadly weapon.
30	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
31			deadly weapon.

1	827.03(2)	1st	Aggravated child abuse.
2	847.0145(1)	1st	Selling, or otherwise
3			transferring custody or control,
4			of a minor.
5	847.0145(2)	1st	Purchasing, or otherwise
6			obtaining custody or control, of
7			a minor.
8	859.01	1st	Poisoning food, drink, medicine,
9			or water with intent to kill or
10			injure another person.
11	893.135	1st	Attempted capital trafficking
12			offense.
13	893.135(1)(a)3.	1st	Trafficking in cannabis, more
14			than 10,000 lbs.
15	893.135		
16	(1)(b)1.c.	1st	Trafficking in cocaine, more than
17			400 grams, less than 150
18			kilograms.
19	893.135		
20	(1)(c)1.c.	1st	Trafficking in illegal drugs,
21			more than 28 grams, less than 30
22			kilograms.
23	893.135		
24	(1)(d)1.c.	1st	Trafficking in phencyclidine,
25			more than 400 grams.
26	893.135		
27	(1)(e)1.c.	1st	Trafficking in methaqualone, more
28			than 25 kilograms.
29	893.135		
30	(1)(f)1.c.	1st	Trafficking in amphetamine, more
31			than 200 grams.

1 (j) LEVEL 10  
2 782.04(2) 1st,PBL Unlawful killing of human; act is  
3 homicide, unpremeditated.  
4 787.01(1)(a)3. 1st,PBL Kidnapping; inflict bodily harm  
5 upon or terrorize victim.  
6 787.01(3)(a) Life Kidnapping; child under age 13,  
7 perpetrator also commits  
8 aggravated child abuse, sexual  
9 battery, or lewd or lascivious  
10 battery, molestation, conduct, or  
11 exhibition.  
12 782.07(3) 1st Aggravated manslaughter of a  
13 child.  
14 794.011(3) Life Sexual battery; victim 12 years  
15 or older, offender uses or  
16 threatens to use deadly weapon or  
17 physical force to cause serious  
18 injury.  
19 876.32 1st Treason against the state.  
20 Section 6. For the purpose of incorporating the  
21 amendments made by this act to section 782.04, Florida  
22 Statutes, in references thereto, subsection (3) of section  
23 947.146, Florida Statutes, is reenacted to read:  
24 947.146 Control Release Authority.--  
25 (3) Within 120 days prior to the date the state  
26 correctional system is projected pursuant to s. 216.136 to  
27 exceed 99 percent of total capacity, the authority shall  
28 determine eligibility for and establish a control release date  
29 for an appropriate number of parole ineligible inmates  
30 committed to the department and incarcerated within the state  
31 who have been determined by the authority to be eligible for

1 discretionary early release pursuant to this section. In  
2 establishing control release dates, it is the intent of the  
3 Legislature that the authority prioritize consideration of  
4 eligible inmates closest to their tentative release date. The  
5 authority shall rely upon commitment data on the offender  
6 information system maintained by the department to initially  
7 identify inmates who are to be reviewed for control release  
8 consideration. The authority may use a method of objective  
9 risk assessment in determining if an eligible inmate should be  
10 released. Such assessment shall be a part of the department's  
11 management information system. However, the authority shall  
12 have sole responsibility for determining control release  
13 eligibility, establishing a control release date, and  
14 effectuating the release of a sufficient number of inmates to  
15 maintain the inmate population between 99 percent and 100  
16 percent of total capacity. Inmates who are ineligible for  
17 control release are inmates who are parole eligible or inmates  
18 who:

19 (a) Are serving a sentence that includes a mandatory  
20 minimum provision for a capital offense or drug trafficking  
21 offense and have not served the number of days equal to the  
22 mandatory minimum term less any jail-time credit awarded by  
23 the court;

24 (b) Are serving the mandatory minimum portion of a  
25 sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

26 (c) Are convicted, or have been previously convicted,  
27 of committing or attempting to commit sexual battery, incest,  
28 or any of the following lewd or indecent assaults or acts:  
29 masturbating in public; exposing the sexual organs in a  
30 perverted manner; or nonconsensual handling or fondling of the  
31 sexual organs of another person;



1 (d) Are convicted, or have been previously convicted,  
2 of committing or attempting to commit assault, aggravated  
3 assault, battery, or aggravated battery, and a sex act was  
4 attempted or completed during commission of such offense;

5 (e) Are convicted, or have been previously convicted,  
6 of committing or attempting to commit kidnapping, burglary, or  
7 murder, and the offense was committed with the intent to  
8 commit sexual battery or a sex act was attempted or completed  
9 during commission of the offense;

10 (f) Are convicted, or have been previously convicted,  
11 of committing or attempting to commit false imprisonment upon  
12 a child under the age of 13 and, in the course of committing  
13 the offense, the inmate committed aggravated child abuse,  
14 sexual battery against the child, or a lewd or lascivious  
15 offense committed upon or in the presence of a person less  
16 than 16 years of age;

17 (g) Are sentenced, have previously been sentenced, or  
18 have been sentenced at any time under s. 775.084, or have been  
19 sentenced at any time in another jurisdiction as a habitual  
20 offender;

21 (h) Are convicted, or have been previously convicted,  
22 of committing or attempting to commit assault, aggravated  
23 assault, battery, aggravated battery, kidnapping,  
24 manslaughter, or murder against an officer as defined in s.  
25 943.10(1), (2), (3), (6), (7), (8), or (9); against a state  
26 attorney or assistant state attorney; or against a justice or  
27 judge of a court described in Art. V of the State  
28 Constitution; or against an officer, judge, or state attorney  
29 employed in a comparable position by any other jurisdiction;  
30 or  
31

1 (i) Are convicted, or have been previously convicted,  
2 of committing or attempting to commit murder in the first,  
3 second, or third degree under s. 782.04(1), (2), (3), or (4),  
4 or have ever been convicted of any degree of murder or  
5 attempted murder in another jurisdiction;

6 (j) Are convicted, or have been previously convicted,  
7 of DUI manslaughter under s. 316.193(3)(c)3., and are  
8 sentenced, or have been sentenced at any time, as a habitual  
9 offender for such offense, or have been sentenced at any time  
10 in another jurisdiction as a habitual offender for such  
11 offense;

12 (k)1. Are serving a sentence for an offense committed  
13 on or after January 1, 1994, for a violation of the Law  
14 Enforcement Protection Act under s. 775.0823(2), (3), (4), or  
15 (5), and the subtotal of the offender's sentence points is  
16 multiplied pursuant to former s. 921.0014 or s. 921.0024;

17 2. Are serving a sentence for an offense committed on  
18 or after October 1, 1995, for a violation of the Law  
19 Enforcement Protection Act under s. 775.0823(2), (3), (4),  
20 (5), (6), (7), or (8), and the subtotal of the offender's  
21 sentence points is multiplied pursuant to former s. 921.0014  
22 or s. 921.0024;

23 (l) Are serving a sentence for an offense committed on  
24 or after January 1, 1994, for possession of a firearm,  
25 semiautomatic firearm, or machine gun in which additional  
26 points are added to the subtotal of the offender's sentence  
27 points pursuant to former s. 921.0014 or s. 921.0024; or

28 (m) Are convicted, or have been previously convicted,  
29 of committing or attempting to commit manslaughter,  
30 kidnapping, robbery, carjacking, home-invasion robbery, or a  
31 burglary under s. 810.02(2).

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2 In making control release eligibility determinations under  
3 this subsection, the authority may rely on any document  
4 leading to or generated during the course of the criminal  
5 proceedings, including, but not limited to, any presentence or  
6 postsentence investigation or any information contained in  
7 arrest reports relating to circumstances of the offense.

8 Section 7. This act shall take effect October 1, 2000.

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11 LEGISLATIVE SUMMARY

12 Makes it a capital felony to commit the unlawful killing  
13 of a human being while perpetrating or attempting to  
14 perpetrate the act of resisting a law enforcement officer  
15 with violence. Provides penalties for specified murders  
16 involving the perpetration of or the attempt to  
17 perpetrate the act of resisting a law enforcement officer  
18 with violence.

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