

By Representative Mealor

1                                   A bill to be entitled  
2           An act relating to criminal offenses; creating  
3           s. 934.215, F.S.; providing that the use of a  
4           two-way communications device to facilitate or  
5           further the commission of a crime is a felony  
6           of the third degree; amending s. 921.0022,  
7           F.S., relating to the Criminal Punishment Code;  
8           ranking the offense of unlawfully using a  
9           two-way communications device on the offense  
10          severity ranking chart; providing an effective  
11          date.

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

15           Section 1. Section 934.215, Florida Statutes, is  
16          created to read:

17                   934.215 Unlawful use of a two-way communications  
18          device.--Any person who uses a two-way communications device,  
19          including, but not limited to, a portable two-way wireless  
20          communications device, to facilitate or further the commission  
21          of any crime commits a felony of the third degree, punishable  
22          as provided in s. 775.082, s. 775.083, or s. 775.084.

23           Section 2. Paragraph (d) of subsection (3) of section  
24          921.0022, Florida Statutes, is amended to read:

25                   921.0022 Criminal Punishment Code; offense severity  
26          ranking chart.--

27                   (3) OFFENSE SEVERITY RANKING CHART

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29          Florida                    Felony  
30          Statute                   Degree                    Description

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2			(d) LEVEL 4
3	316.1935(3)	2nd	Driving at high speed or with
4			wanton disregard for safety while
5			fleeing or attempting to elude
6			law enforcement officer who is in
7			a marked patrol vehicle with
8			siren and lights activated.
9	784.07(2)(b)	3rd	Battery of law enforcement
10			officer, firefighter, intake
11			officer, etc.
12	784.075	3rd	Battery on detention or
13			commitment facility staff.
14	784.08(2)(c)	3rd	Battery on a person 65 years of
15			age or older.
16	784.081(3)	3rd	Battery on specified official or
17			employee.
18	784.082(3)	3rd	Battery by detained person on
19			visitor or other detainee.
20	784.083(3)	3rd	Battery on code inspector.
21	784.085	3rd	Battery of child by throwing,
22			tossing, projecting, or expelling
23			certain fluids or materials.
24	787.03(1)	3rd	Interference with custody;
25			wrongly takes child from
26			appointed guardian.
27	787.04(2)	3rd	Take, entice, or remove child
28			beyond state limits with criminal
29			intent pending custody
30			proceedings.
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1	787.04(3)	3rd	Carrying child beyond state lines
2			with criminal intent to avoid
3			producing child at custody
4			hearing or delivering to
5			designated person.
6	790.115(1)	3rd	Exhibiting firearm or weapon
7			within 1,000 feet of a school.
8	790.115(2)(b)	3rd	Possessing electric weapon or
9			device, destructive device, or
10			other weapon on school property.
11	790.115(2)(c)	3rd	Possessing firearm on school
12			property.
13	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
14			offender less than 18 years.
15	810.02(4)(a)	3rd	Burglary, or attempted burglary,
16			of an unoccupied structure;
17			unarmed; no assault or battery.
18	810.02(4)(b)	3rd	Burglary, or attempted burglary,
19			of an unoccupied conveyance;
20			unarmed; no assault or battery.
21	810.06	3rd	Burglary; possession of tools.
22	810.08(2)(c)	3rd	Trespass on property, armed with
23			firearm or dangerous weapon.
24	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
25			or more but less than \$20,000.
26	812.014		
27	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
28			firearm, motor vehicle,
29			livestock, etc.
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1	817.563(1)	3rd	Sell or deliver substance other
2			than controlled substance agreed
3			upon, excluding s. 893.03(5)
4			drugs.
5	828.125(1)	2nd	Kill, maim, or cause great bodily
6			harm or permanent breeding
7			disability to any registered
8			horse or cattle.
9	837.02(1)	3rd	Perjury in official proceedings.
10	837.021(1)	3rd	Make contradictory statements in
11			official proceedings.
12	843.021	3rd	Possession of a concealed
13			handcuff key by a person in
14			custody.
15	843.025	3rd	Deprive law enforcement,
16			correctional, or correctional
17			probation officer of means of
18			protection or communication.
19	843.15(1)(a)	3rd	Failure to appear while on bail
20			for felony (bond estreature or
21			bond jumping).
22	874.05(1)	3rd	Encouraging or recruiting another
23			to join a criminal street gang.
24	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
25			893.03(1)(a), (b), or (d),
26			(2)(a), (2)(b), or (2)(c)4.
27			drugs).
28	914.14(2)	3rd	Witnesses accepting bribes.
29	914.22(1)	3rd	Force, threaten, etc., witness,
30			victim, or informant.
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1	914.23(2)	3rd	Retaliation against a witness,
2			victim, or informant, no bodily
3			injury.
4	918.12	3rd	Tampering with jurors.
5	<u>934.215</u>	<u>3rd</u>	<u>Use of two-way communications</u>
6			<u>device to facilitate commission</u>
7			<u>of a crime.</u>

8 Section 3. This act shall take effect July 1, 2001.

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11 SENATE SUMMARY

12 Provides that it is a third-degree felony to use a  
13 two-way communications device, including a portable  
14 two-way wireless device, to facilitate or further the  
15 commission of a crime.  
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