

By Representative Gardiner

1 A bill to be entitled
2 An act relating to home-invasion robbery;
3 amending s. 812.135, F.S.; providing additional
4 offense classifications and revising the
5 penalties for home-invasion robbery; providing
6 that it is a life felony to commit a
7 home-invasion robbery in the course of which a
8 firearm or other deadly weapon is carried;
9 providing that it is a first-degree felony
10 punishable by a term of imprisonment not
11 exceeding life imprisonment to commit a
12 home-invasion robbery in the course of which a
13 weapon is carried; providing penalties;
14 reenacting s. 943.325(1)(a), F.S., relating to
15 blood specimen testing for DNA analysis, to
16 incorporate the amendment made by this act in a
17 reference; amending s. 921.0022, F.S., relating
18 to the criminal punishment code offense
19 severity chart, to conform; providing an
20 effective date.

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22 Be It Enacted by the Legislature of the State of Florida:
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24 Section 1. Section 812.135, Florida Statutes, is
25 amended to read:

26 812.135 Home-invasion robbery.--

27 (1) "Home-invasion robbery" means any robbery that
28 occurs when the offender enters a dwelling with the intent to
29 commit a robbery, and does commit a robbery of the occupants
30 therein.

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1 (2)(a) If in the course of committing the
2 home-invasion robbery the person carries a firearm or other
3 deadly weapon, the person commits a life felony, punishable as
4 provided in s. 775.082, s. 775.083, or s. 775.084.

5 (b) If in the course of committing the home-invasion
6 robbery the person carries a weapon, the person commits a
7 felony of the first degree, punishable by imprisonment for a
8 term of years not exceeding life imprisonment or as provided
9 in s. 775.082, s. 775.083, or s. 775.084.

10 (c) If in the course of committing the home-invasion
11 robbery the person carries no firearm, deadly weapon, or other
12 weapon, the person commits a felony of the first degree,
13 punishable as provided in s. 775.082, s. 775.083, or s.
14 775.084.

15 ~~(2) A person who commits a home-invasion robbery is~~
16 ~~guilty of a felony of the first degree, punishable as provided~~
17 ~~in s. 775.082, s. 775.083, or s. 775.084.~~

18 Section 2. For the purpose of incorporating the
19 amendment to section 812.135, Florida Statutes, in a reference
20 thereto, paragraph (a) of subsection (1) of section 943.325,
21 Florida Statutes, is reenacted to read:

22 943.325 Blood specimen testing for DNA analysis.--

23 (1)(a) Any person who is convicted or was previously
24 convicted in this state for any offense or attempted offense
25 defined in chapter 794, chapter 800, s. 782.04, s. 784.045, s.
26 810.02, s. 812.133, or s. 812.135 and who is either:

- 27 1. Still incarcerated, or
- 28 2. No longer incarcerated but is within the confines
29 of the legal state boundaries and is on probation, community
30 control, parole, conditional release, control release, or any
31 other court-ordered supervision,

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shall be required to submit two specimens of blood to a Department of Law Enforcement designated testing facility as directed by the department.

Section 3. Paragraph (h) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

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

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(h) LEVEL 8
316.193		
(3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

1	655.50(10)(b)2.	2nd	Failure to report financial
2			transactions totaling or
3			exceeding \$20,000, but less than
4			\$100,000 by financial
5			institutions.
6	777.03(2)(a)	1st	Accessory after the fact, capital
7			felony.
8	782.04(4)	2nd	Killing of human without design
9			when engaged in act or attempt of
10			any felony other than arson,
11			sexual battery, robbery,
12			burglary, kidnapping, aircraft
13			piracy, or unlawfully discharging
14			bomb.
15	782.051(2)	1st	Attempted felony murder while
16			perpetrating or attempting to
17			perpetrate a felony not
18			enumerated in s. 782.04(3).
19	782.071(2)	1st	Committing vehicular homicide and
20			failing to render aid or give
21			information.
22	782.072(2)	1st	Committing vessel homicide and
23			failing to render aid or give
24			information.
25	790.161(3)	1st	Discharging a destructive device
26			which results in bodily harm or
27			property damage.
28	794.011(5)	2nd	Sexual battery, victim 12 years
29			or over, offender does not use
30			physical force likely to cause
31			serious injury.

1	800.04(4)	2nd	Lewd or lascivious battery.
2	806.01(1)	1st	Maliciously damage dwelling or
3			structure by fire or explosive,
4			believing person in structure.
5	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
6	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
7			or dangerous weapon.
8	810.02(2)(c)	1st	Burglary of a dwelling or
9			structure causing structural
10			damage or \$1,000 or more property
11			damage.
12	812.13(2)(b)	1st	Robbery with a weapon.
13	812.135(2)(a)	1st	Home-invasion robbery, <u>no</u>
14			<u>firearm, deadly weapon, or other</u>
15			<u>weapon.</u>
16	825.102(2)	2nd	Aggravated abuse of an elderly
17			person or disabled adult.
18	825.103(2)(a)	1st	Exploiting an elderly person or
19			disabled adult and property is
20			valued at \$100,000 or more.
21	837.02(2)	2nd	Perjury in official proceedings
22			relating to prosecution of a
23			capital felony.
24	837.021(2)	2nd	Making contradictory statements
25			in official proceedings relating
26			to prosecution of a capital
27			felony.
28	860.121(2)(c)	1st	Shooting at or throwing any
29			object in path of railroad
30			vehicle resulting in great bodily
31			harm.

1	860.16	1st	Aircraft piracy.
2	893.13(1)(b)	1st	Sell or deliver in excess of 10
3			grams of any substance specified
4			in s. 893.03(1)(a) or (b).
5	893.13(2)(b)	1st	Purchase in excess of 10 grams of
6			any substance specified in s.
7			893.03(1)(a) or (b).
8	893.13(6)(c)	1st	Possess in excess of 10 grams of
9			any substance specified in s.
10			893.03(1)(a) or (b).
11	893.135(1)(a)2.	1st	Trafficking in cannabis, more
12			than 2,000 lbs., less than 10,000
13			lbs.
14	893.135		
15	(1)(b)1.b.	1st	Trafficking in cocaine, more than
16			200 grams, less than 400 grams.
17	893.135		
18	(1)(c)1.b.	1st	Trafficking in illegal drugs,
19			more than 14 grams, less than 28
20			grams.
21	893.135		
22	(1)(d)1.b.	1st	Trafficking in phencyclidine,
23			more than 200 grams, less than
24			400 grams.
25	893.135		
26	(1)(e)1.b.	1st	Trafficking in methaqualone, more
27			than 5 kilograms, less than 25
28			kilograms.
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1	893.135		
2	(1)(f)1.b.	1st	Trafficking in amphetamine, more
3			than 28 grams, less than 200
4			grams.
5	893.135		
6	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
7			grams or more, less than 28
8			grams.
9	893.135		
10	(1)(h)1.b.	1st	Trafficking in
11			gamma-hydroxybutyric acid (GHB),
12			5 kilograms or more, less than 10
13			kilograms.
14	893.135		
15	(1)(i)1.b.	1st	Trafficking in 1,4-Butanediol, 5
16			kilograms or more, less than 10
17			kilograms.
18	893.135		
19	(1)(j)2.b.	1st	Trafficking in Phenethylamines,
20			200 grams or more, less than 400
21			grams.
22	895.03(1)	1st	Use or invest proceeds derived
23			from pattern of racketeering
24			activity.
25	895.03(2)	1st	Acquire or maintain through
26			racketeering activity any
27			interest in or control of any
28			enterprise or real property.
29	895.03(3)	1st	Conduct or participate in any
30			enterprise through pattern of
31			racketeering activity.

1 896.101(5)(b) 2nd Money laundering, financial
2 transactions totaling or
3 exceeding \$20,000, but less than
4 \$100,000.
5 896.104(4)(a)2. 2nd Structuring transactions to evade
6 reporting or registration
7 requirements, financial
8 transactions totaling or
9 exceeding \$20,000 but less than
10 \$100,000.

11 Section 4. This act shall take effect October 1, 2001.

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13 SENATE SUMMARY

14
15 Increases the penalty for certain forms of home-invasion
16 robbery. It is a life felony when a firearm or other
17 deadly weapon is carried and a first-degree felony with a
18 term of imprisonment up to life when some other weapon is
19 carried.
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