

1  
2 An act relating to criminal justice; providing  
3 a short title; amending s. 782.04, F.S.; making  
4 it a capital felony to commit the unlawful  
5 killing of a human being while perpetrating or  
6 attempting to perpetrate the act of resisting  
7 an officer with violence to the officer's  
8 person; providing penalties for specified  
9 murders involving the perpetration of or the  
10 attempt to perpetrate the act of resisting an  
11 officer with violence to the officer's person;  
12 amending s. 775.0823, F.S.; correcting  
13 sentencing references; reenacting ss. 782.051,  
14 903.133, 921.0022(3)(h) and (i), and  
15 947.146(3)(i), F.S., relating to attempted  
16 felony murder, relating to bail on appeal  
17 prohibited for certain felony convictions,  
18 relating to the Criminal Punishment Code  
19 offense severity ranking chart, and relating to  
20 the Control Release Authority; providing an  
21 effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. This act may be cited as the "Bryant Peney  
26 Act."

27 Section 2. 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 an officer with violence to his or her  
23 person; 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 an officer with violence to his or her  
3 person,  
4  
5 by a person other than the person engaged in the perpetration  
6 of or in the attempt to perpetrate such felony, the person  
7 perpetrating or attempting to perpetrate such felony is guilty  
8 of murder in the second degree, which constitutes a felony of  
9 the first degree, punishable by imprisonment for a term of  
10 years not exceeding life or as provided in s. 775.082, s.  
11 775.083, or s. 775.084.

12           (4) The unlawful killing of a human being, when  
13 perpetrated without any design to effect death, by a person  
14 engaged in the perpetration of, or in the attempt to  
15 perpetrate, any felony other than 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) Unlawful distribution of any substance controlled  
30 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,  
31 or opium or any synthetic or natural salt, compound,

1 derivative, or preparation of opium by a person 18 years of  
2 age or older, when such drug is proven to be the proximate  
3 cause of the death of the user,

4 (m) Carjacking,

5 (n) Home-invasion robbery,

6 (o) Aggravated stalking, ~~or~~

7 (p) Murder of another human being, or

8 (q) Resisting an officer with violence to his or her  
9 person,

10  
11 is murder in the third degree and constitutes a felony of the  
12 second degree, punishable as provided in s. 775.082, s.  
13 775.083, or s. 775.084.

14 Section 3. Section 775.0823, Florida Statutes, is  
15 amended to read:

16 775.0823 Violent offenses committed against law  
17 enforcement officers, correctional officers, state attorneys,  
18 assistant state attorneys, justices, or judges. ~~--Any provision~~  
19 ~~of law to the contrary notwithstanding,~~The Legislature does  
20 hereby provide for an increase and certainty of penalty for  
21 any person convicted of a violent offense against any law  
22 enforcement or correctional officer, as defined in s.  
23 943.10(1), (2), (3), (6), (7), (8), or (9); against any state  
24 attorney elected pursuant to s. 27.01 or assistant state  
25 attorney appointed under s. 27.181; or against any justice or  
26 judge of a court described in Art. V of the State  
27 Constitution, which offense arises out of or in the scope of  
28 the officer's duty as a law enforcement or correctional  
29 officer, the state attorney's or assistant state attorney's  
30 duty as a prosecutor or investigator, or the justice's or  
31 judge's duty as a judicial officer, as follows:

- 1           (1) For murder in the first degree as described in s.  
2 782.04(1), if the death sentence is not imposed, a sentence of  
3 imprisonment for life without eligibility for release.
- 4           (2) For attempted murder in the first degree as  
5 described in s. 782.04(1), a sentence pursuant to s. 775.082,  
6 s. 775.083, or s. 775.084 ~~the Criminal Punishment Code~~.
- 7           (3) For murder in the second degree as described in s.  
8 782.04(2) and (3), a sentence pursuant to s. 775.082, s.  
9 775.083, or s. 775.084 ~~the Criminal Punishment Code~~.
- 10           (4) For attempted murder in the second degree as  
11 described in s. 782.04(2) and (3), a sentence pursuant to s.  
12 775.082, s. 775.083, or s. 775.084 ~~the Criminal Punishment~~  
13 ~~Code~~.
- 14           (5) For murder in the third degree as described in s.  
15 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or  
16 s. 775.084 ~~the Criminal Punishment Code~~.
- 17           (6) For attempted murder in the third degree as  
18 described in s. 782.04(4), a sentence pursuant to s. 775.082,  
19 s. 775.083, or s. 775.084 ~~the Criminal Punishment Code~~.
- 20           (7) For manslaughter as described in s. 782.07 during  
21 the commission of a crime, a sentence pursuant to s. 775.082,  
22 s. 775.083, or s. 775.084 ~~the Criminal Punishment Code~~.
- 23           (8) For kidnapping as described in s. 787.01, a  
24 sentence pursuant to s. 775.082, s. 775.083, or s. 775.084 ~~the~~  
25 ~~Criminal Punishment Code~~.
- 26           (9) For aggravated battery as described in s. 784.045,  
27 a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084  
28 ~~the Criminal Punishment Code~~.
- 29           (10) For aggravated assault as described in s.  
30 784.021, a sentence pursuant to s. 775.082, s. 775.083, or s.  
31 775.084 ~~the Criminal Punishment Code~~.

1  
2 Notwithstanding the provisions of s. 948.01, with respect to  
3 any person who is found to have violated this section,  
4 adjudication of guilt or imposition of sentence shall not be  
5 suspended, deferred, or withheld.

6 Section 4. For the purpose of incorporating the  
7 amendments made by this act to section 782.04, Florida  
8 Statutes, in references thereto, section 782.051, Florida  
9 Statutes, is reenacted to read:

10 782.051 Attempted felony murder.--

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

21 (2) Any person who perpetrates or attempts to  
22 perpetrate any felony other than a felony enumerated in s.  
23 782.04(3) and who commits, aids, or abets an intentional act  
24 that is not an essential element of the felony and that could,  
25 but does not, cause the death of another commits a felony of  
26 the first degree, punishable as provided in s. 775.082, s.  
27 775.083, or s. 775.084, which is an offense ranked in level 8  
28 of the Criminal Punishment Code. Victim injury points shall be  
29 scored under this subsection.

30 (3) When a person is injured during the perpetration  
31 of or the attempt to perpetrate any felony enumerated in s.

1 782.04(3) by a person other than the person engaged in the  
 2 perpetration of or the attempt to perpetrate such felony, the  
 3 person perpetrating or attempting to perpetrate such felony  
 4 commits a felony of the second degree, punishable as provided  
 5 in s. 775.082, s. 775.083, or s. 775.084, which is an offense  
 6 ranked in level 7 of the Criminal Punishment Code. Victim  
 7 injury points shall be scored under this subsection.

8 Section 5. For the purpose of incorporating the  
 9 amendments made by this act to section 782.04, Florida  
 10 Statutes, in references thereto, section 903.133, Florida  
 11 Statutes, is reenacted to read:

12 903.133 Bail on appeal; prohibited for certain felony  
 13 convictions.--Notwithstanding the provisions of s. 903.132, no  
 14 person adjudged guilty of a felony of the first degree for a  
 15 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
 16 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
 17 violation of s. 794.011(2) or (3), shall be admitted to bail  
 18 pending review either by posttrial motion or appeal.

19 Section 6. For the purpose of incorporating the  
 20 amendments made by this act to section 782.04, Florida  
 21 Statutes, in references thereto, paragraphs (h) and (i) of  
 22 subsection (3) of section 921.0022, Florida Statutes, are  
 23 reenacted to read:

24 921.0022 Criminal Punishment Code; offense severity  
 25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

27  
 28  
 29  
 30  
 31

Florida	Felony	
Statute	Degree	Description



1			(h) LEVEL 8
2	316.193		
3	(3)(c)3.a.	2nd	DUI manslaughter.
4	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
5	560.123(8)(b)2.	2nd	Failure to report currency or
6			payment instruments totaling or
7			exceeding \$20,000, but less than
8			\$100,000 by money transmitter.
9	560.125(5)(b)	2nd	Money transmitter business by
10			unauthorized person, currency or
11			payment instruments totaling or
12			exceeding \$20,000, but less than
13			\$100,000.
14	655.50(10)(b)2.	2nd	Failure to report financial
15			transactions totaling or
16			exceeding \$20,000, but less than
17			\$100,000 by financial
18			institutions.
19	777.03(2)(a)	1st	Accessory after the fact, capital
20			felony.
21	782.04(4)	2nd	Killing of human without design
22			when engaged in act or attempt of
23			any felony other than arson,
24			sexual battery, robbery,
25			burglary, kidnapping, aircraft
26			piracy, or unlawfully discharging
27			bomb.
28	782.051(2)	1st	Attempted felony murder while
29			perpetrating or attempting to
30			perpetrate a felony not
31			enumerated in s. 782.04(3).

1	782.071(2)	1st	Committing vehicular homicide and
2			failing to render aid or give
3			information.
4	782.072(2)	1st	Committing vessel homicide and
5			failing to render aid or give
6			information.
7	790.161(3)	1st	Discharging a destructive device
8			which results in bodily harm or
9			property damage.
10	794.011(5)	2nd	Sexual battery, victim 12 years
11			or over, offender does not use
12			physical force likely to cause
13			serious injury.
14	800.04(4)	2nd	Lewd or lascivious battery.
15	806.01(1)	1st	Maliciously damage dwelling or
16			structure by fire or explosive,
17			believing person in structure.
18	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
19	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
20			or dangerous weapon.
21	810.02(2)(c)	1st	Burglary of a dwelling or
22			structure causing structural
23			damage or \$1,000 or more property
24			damage.
25	812.13(2)(b)	1st	Robbery with a weapon.
26	812.135(2)	1st	Home-invasion robbery.
27	825.102(2)	2nd	Aggravated abuse of an elderly
28			person or disabled adult.
29	825.103(2)(a)	1st	Exploiting an elderly person or
30			disabled adult and property is
31			valued at \$100,000 or more.

1	837.02(2)	2nd	Perjury in official proceedings
2			relating to prosecution of a
3			capital felony.
4	837.021(2)	2nd	Making contradictory statements
5			in official proceedings relating
6			to prosecution of a capital
7			felony.
8	860.121(2)(c)	1st	Shooting at or throwing any
9			object in path of railroad
10			vehicle resulting in great bodily
11			harm.
12	860.16	1st	Aircraft piracy.
13	893.13(1)(b)	1st	Sell or deliver in excess of 10
14			grams of any substance specified
15			in s. 893.03(1)(a) or (b).
16	893.13(2)(b)	1st	Purchase in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.13(6)(c)	1st	Possess in excess of 10 grams of
20			any substance specified in s.
21			893.03(1)(a) or (b).
22	893.135(1)(a)2.	1st	Trafficking in cannabis, more
23			than 2,000 lbs., less than 10,000
24			lbs.
25	893.135		
26	(1)(b)1.b.	1st	Trafficking in cocaine, more than
27			200 grams, less than 400 grams.
28	893.135		
29	(1)(c)1.b.	1st	Trafficking in illegal drugs,
30			more than 14 grams, less than 28
31			grams.

1	893.135		
2	(1)(d)1.b.	1st	Trafficking in phencyclidine,
3			more than 200 grams, less than
4			400 grams.
5	893.135		
6	(1)(e)1.b.	1st	Trafficking in methaqualone, more
7			than 5 kilograms, less than 25
8			kilograms.
9	893.135		
10	(1)(f)1.b.	1st	Trafficking in amphetamine, more
11			than 28 grams, less than 200
12			grams.
13	893.135		
14	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
15			grams or more, less than 28
16			grams.
17	893.135		
18	(1)(h)1.b.	1st	Trafficking in
19			gamma-hydroxybutyric acid (GHB),
20			5 kilograms or more, less than 10
21			kilograms.
22	893.135		
23	(1)(i)1.b.	1st	Trafficking in 1,4-Butanediol, 5
24			kilograms or more, less than 10
25			kilograms.
26	893.135		
27	(1)(j)2.b.	1st	Trafficking in Phenethylamines,
28			200 grams or more, less than 400
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	896.101(5)(b)	2nd	Money laundering, financial
12			transactions totaling or
13			exceeding \$20,000, but less than
14			\$100,000.
15	896.104(4)(a)2.	2nd	Structuring transactions to evade
16			reporting or registration
17			requirements, financial
18			transactions totaling or
19			exceeding \$20,000 but less than
20			\$100,000.
21			(i) LEVEL 9
22	316.193		
23	(3)(c)3.b.	1st	DUI manslaughter; failing to
24			render aid or give information.
25	560.123(8)(b)3.	1st	Failure to report currency or
26			payment instruments totaling or
27			exceeding \$100,000 by money
28			transmitter.
29			
30			
31			

1	560.125(5)(c)	1st	Money transmitter business by
2			unauthorized person, currency, or
3			payment instruments totaling or
4			exceeding \$100,000.
5	655.50(10)(b)3.	1st	Failure to report financial
6			transactions totaling or
7			exceeding \$100,000 by financial
8			institution.
9	782.04(1)	1st	Attempt, conspire, or solicit to
10			commit premeditated murder.
11	782.04(3)	1st,PBL	Accomplice to murder in
12			connection with arson, sexual
13			battery, robbery, burglary, and
14			other specified felonies.
15	782.051(1)	1st	Attempted felony murder while
16			perpetrating or attempting to
17			perpetrate a felony enumerated in
18			s. 782.04(3).
19	782.07(2)	1st	Aggravated manslaughter of an
20			elderly person or disabled adult.
21	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
22			reward or as a shield or hostage.
23	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
24			or facilitate commission of any
25			felony.
26	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
27			interfere with performance of any
28			governmental or political
29			function.
30			
31			

1	787.02(3)(a)	1st	False imprisonment; child under
2			age 13; perpetrator also commits
3			aggravated child abuse, sexual
4			battery, or lewd or lascivious
5			battery, molestation, conduct, or
6			exhibition.
7	790.161	1st	Attempted capital destructive
8			device offense.
9	790.166(2)	1st,PBL	Possessing, selling, using, or
10			attempting to use a weapon of
11			mass destruction.
12	794.011(2)	1st	Attempted sexual battery; victim
13			less than 12 years of age.
14	794.011(2)	Life	Sexual battery; offender younger
15			than 18 years and commits sexual
16			battery on a person less than 12
17			years.
18	794.011(4)	1st	Sexual battery; victim 12 years
19			or older, certain circumstances.
20	794.011(8)(b)	1st	Sexual battery; engage in sexual
21			conduct with minor 12 to 18 years
22			by person in familial or
23			custodial authority.
24	800.04(5)(b)	1st	Lewd or lascivious molestation;
25			victim less than 12 years;
26			offender 18 years or older.
27	812.13(2)(a)	1st,PBL	Robbery with firearm or other
28			deadly weapon.
29	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
30			deadly weapon.
31	827.03(2)	1st	Aggravated child abuse.

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



1 893.135  
2 (1)(h)1.c. 1st Trafficking in  
3 gamma-hydroxybutyric acid (GHB),  
4 10 kilograms or more.  
5 893.135  
6 (1)(i)1.c. 1st Trafficking in 1,4-Butanediol, 10  
7 kilograms or more.  
8 893.135  
9 (1)(j)2.c. 1st Trafficking in Phenethylamines,  
10 400 grams or more.  
11 896.101(5)(c) 1st Money laundering, financial  
12 instruments totaling or exceeding  
13 \$100,000.  
14 896.104(4)(a)3. 1st Structuring transactions to evade  
15 reporting or registration  
16 requirements, financial  
17 transactions totaling or  
18 exceeding \$100,000.

19 Section 7. For the purpose of incorporating the  
20 amendments made by this act to section 782.04, Florida  
21 Statutes, in references thereto, subsection (3) of section  
22 947.146, Florida Statutes, is reenacted to read:

23 947.146 Control Release Authority.--

24 (3) Within 120 days prior to the date the state  
25 correctional system is projected pursuant to s. 216.136 to  
26 exceed 99 percent of total capacity, the authority shall  
27 determine eligibility for and establish a control release date  
28 for an appropriate number of parole ineligible inmates  
29 committed to the department and incarcerated within the state  
30 who have been determined by the authority to be eligible for  
31 discretionary early release pursuant to this section. In

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

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

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

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

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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

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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).

1  
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 8. This act shall take effect October 1, 2001.

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