

By Senator Campbell

33-701-01

1 A bill to be entitled
2 An act relating to felony offenses; amending s.
3 316.1935, F.S.; providing an enhanced penalty
4 for the offense of fleeing or eluding a law
5 enforcement officer if, in the course of the
6 violation, the defendant causes serious bodily
7 injury to another; amending s. 812.014, F.S.;
8 providing an enhanced penalty for the offense
9 of motor vehicle theft if the defendant has
10 more than a specified number of prior
11 convictions for such offense; amending s.
12 812.16, F.S.; increasing the penalty for the
13 offense of operating a chop shop; providing an
14 effective date.

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

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18 Section 1. Subsections (3) and (5) of section
19 316.1935, Florida Statutes, are amended to read:

20 316.1935 Fleeing or attempting to elude a law
21 enforcement officer; aggravated fleeing and eluding.--

22 (3)(a) Any person who willfully flees or attempts to
23 elude a law enforcement officer in an authorized law
24 enforcement patrol vehicle with agency insignia and other
25 jurisdictional markings prominently displayed on the vehicle
26 with siren and lights activated, and during the course of the
27 fleeing or attempted eluding drives at high speed, or in any
28 manner which demonstrates a wanton disregard for the safety of
29 persons or property commits a felony of the second degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

1 (b) A person who in the course of a violation of
2 paragraph (a) causes serious bodily injury to another commits
3 aggravated fleeing or eluding of a law enforcement officer, a
4 felony of the first degree, punishable as provided in s.
5 775.082, s. 775.083, or s. 775.084.

6 (5) The court may revoke, for a period not to exceed 1
7 year, the driver's license of any operator of a motor vehicle
8 convicted of a violation of this section ~~subsection (1),~~
9 ~~subsection (2), subsection (3), or subsection (4).~~

10 Section 2. Subsection (1) of section 812.014, Florida
11 Statutes, is reenacted, and paragraphs (b) and (c) of
12 subsection (2) of that section are amended to read:

13 812.014 Theft.--

14 (1) A person commits theft if he or she knowingly
15 obtains or uses, or endeavors to obtain or to use, the
16 property of another with intent to, either temporarily or
17 permanently:

18 (a) Deprive the other person of a right to the
19 property or a benefit from the property.

20 (b) Appropriate the property to his or her own use or
21 to the use of any person not entitled to the use of the
22 property.

23 (2)

24 (b) If the property stolen:

25 1. Is valued at \$20,000 or more, but less than
26 \$100,000, the offender commits grand theft in the second
27 degree, punishable as a felony of the second degree, as
28 provided in s. 775.082, s. 775.083, or s. 775.084.

29 2. Is a motor vehicle and the offender has previously
30 been convicted two or more times of grand theft of a motor
31 vehicle, the offender commits grand theft of a motor vehicle

1 in the second degree, punishable as a felony of the second
2 degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

3 (c) It is grand theft of the third degree and a felony
4 of the third degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084, if the property stolen is:

- 6 1. Valued at \$300 or more, but less than \$5,000.
- 7 2. Valued at \$5,000 or more, but less than \$10,000.
- 8 3. Valued at \$10,000 or more, but less than \$20,000.
- 9 4. A will, codicil, or other testamentary instrument.
- 10 5. A firearm.
- 11 6. A motor vehicle, except as provided in subsection

12 ~~(2) paragraph (2)(a).~~

13 7. Any commercially farmed animal, including any
14 animal of the equine, bovine, or swine class, or other grazing
15 animal, and including aquaculture species raised at a
16 certified aquaculture facility. If the property stolen is
17 aquaculture species raised at a certified aquaculture
18 facility, then a \$10,000 fine shall be imposed.

19 8. Any fire extinguisher.

20 9. Any amount of citrus fruit consisting of 2,000 or
21 more individual pieces of fruit.

22 10. Taken from a designated construction site
23 identified by the posting of a sign as provided for in s.
24 810.09(2)(d).

25 11. Any stop sign.

26 Section 3. Subsection (2) of section 812.16, Florida
27 Statutes, is amended to read:

28 812.16 Operating chop shops; definitions; penalties;
29 restitution; forfeiture.--

30 (2) Any person who knowingly owns, operates, or
31 conducts a chop shop or who knowingly aids and abets another

1 person in owning, operating, or conducting a chop shop is
2 guilty of a felony of the second ~~third~~ degree, punishable as
3 provided in s. 775.082, s. 775.083, or s. 775.084.

4 Section 4. This act shall take effect July 1, 2001.

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SENATE SUMMARY

Provides that the offense of fleeing or eluding a law enforcement officer is a first-degree felony rather than a second-degree felony if, in the course of the violation, the defendant causes serious bodily injury to another. Provides that motor vehicle theft is grand theft, a second-degree felony, if the defendant has been convicted two or more times of motor vehicle theft. Increases the penalty for the offense of operating a chop shop from a third-degree felony to a second-degree felony.