

By Representative Ritter

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 this  
12 subsection ~~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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7 LEGISLATIVE SUMMARY

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