

By Representatives Goodlette, Harrell, Green, Cusack,
Gelber, Ball, Machek and Bullard

1 A bill to be entitled
2 An act relating to sentencing; creating s.
3 775.31, F.S.; providing for the
4 reclassification of offenses the commission of
5 which facilitated or furthered any act of
6 terrorism; defining the term "terrorism";
7 amending s. 782.04, F.S.; including any felony
8 that is an act of terrorism or is in
9 furtherance of an act of terrorism as a
10 qualifying offense under the felony murder
11 provisions; creating the crime of felony murder
12 involving any felony that is an act of
13 terrorism or is in furtherance of an act of
14 terrorism; defining the term "terrorism";
15 providing an effective date.

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

18
19 Section 1. Section 775.31, Florida Statutes, is
20 created to read:

21 775.31 Facilitating or furthering terrorism; felony or
22 misdemeanor reclassification.--

23 (1) The felony or misdemeanor degree of any criminal
24 offense shall be reclassified to the next higher degree as
25 provided in this section if the commission of the felony or
26 misdemeanor facilitated or furthered the commission of any act
27 of terrorism. The reclassification shall be made in the
28 following manner:

29 (a) In the case of a misdemeanor of the second degree,
30 the offense is reclassified as a misdemeanor of the first
31 degree.

1 (b) In the case of a misdemeanor of the first degree,
2 the offense is reclassified as a felony of the third degree.

3 (c) In the case of a felony of the third degree, the
4 offense is reclassified as a felony of the second degree.

5 (d) In the case of a felony of the first degree or a
6 felony of the first degree punishable by a term of
7 imprisonment not exceeding life, the offense is reclassified
8 as a life felony.

9 (2) For purposes of sentencing under chapter 921, the
10 following offense severity ranking levels apply:

11 (a) An offense that is a misdemeanor of the first
12 degree and that is reclassified under this section as a felony
13 of the third degree is ranked in level 2 of the offense
14 severity ranking chart.

15 (b) A felony offense that is reclassified under this
16 section is ranked one level above the ranking specified in s.
17 921.0022 or s. 921.0023 for the offense committed.

18 (3) As used in this section, the term "terrorism"
19 means an activity that:

20 (a) Involves a violent act or act dangerous to human
21 life which is a violation of the criminal laws of this state
22 or of the United States; and

23 (b) Appears to be intended to:

24 1. Intimidate, injure, or coerce a civilian
25 population;

26 2. Influence the policy of a government by
27 intimidation or coercion; or

28 3. Affect the conduct of government through
29 destruction of property, assassination, murder, or kidnapping.

30 Section 2. Section 782.04, Florida Statutes, is
31 amended to read:

1 782.04 Murder.--
2 (1)(a) The unlawful killing of a human being:
3 1. When perpetrated from a premeditated design to
4 effect the death of the person killed or any human being;
5 2. When committed by a person engaged in the
6 perpetration of, or in the attempt to perpetrate, any:
7 a. Trafficking offense prohibited by s. 893.135(1),
8 b. Arson,
9 c. Sexual battery,
10 d. Robbery,
11 e. Burglary,
12 f. Kidnapping,
13 g. Escape,
14 h. Aggravated child abuse,
15 i. Aggravated abuse of an elderly person or disabled
16 adult,
17 j. Aircraft piracy,
18 k. Unlawful throwing, placing, or discharging of a
19 destructive device or bomb,
20 l. Carjacking,
21 m. Home invasion robbery,
22 n. Aggravated stalking,
23 o. Murder of another human being,
24 p. Resisting an officer with violence to his or her
25 person, ~~or~~
26 q. Felony that is an act of terrorism or is in
27 furtherance of an act of terrorism; or
28 3. Which resulted from the unlawful distribution of
29 any substance controlled under s. 893.03(1), cocaine as
30 described in s. 893.03(2)(a)4., or opium or any synthetic or
31 natural salt, compound, derivative, or preparation of opium by

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

3

4 is murder in the first degree and constitutes a capital
5 felony, punishable as provided in s. 775.082.

6 (b) In all cases under this section, the procedure set
7 forth in s. 921.141 shall be followed in order to determine
8 sentence of death or life imprisonment.

9 (2) The unlawful killing of a human being, when
10 perpetrated by any act imminently dangerous to another and
11 evincing a depraved mind regardless of human life, although
12 without any premeditated design to effect the death of any
13 particular individual, is murder in the second degree and
14 constitutes a felony of the first degree, punishable by
15 imprisonment for a term of years not exceeding life or as
16 provided in s. 775.082, s. 775.083, or s. 775.084.

17 (3) When a person is killed in the perpetration of, or
18 in the attempt to perpetrate, any:

19 (a) Trafficking offense prohibited by s. 893.135(1),

20 (b) Arson,

21 (c) Sexual battery,

22 (d) Robbery,

23 (e) Burglary,

24 (f) Kidnapping,

25 (g) Escape,

26 (h) Aggravated child abuse,

27 (i) Aggravated abuse of an elderly person or disabled
28 adult,

29 (j) Aircraft piracy,

30 (k) Unlawful throwing, placing, or discharging of a
31 destructive device or bomb,

- 1 (1) Carjacking,
2 (m) Home invasion robbery,
3 (n) Aggravated stalking,
4 (o) Murder of another human being, ~~or~~
5 (p) Resisting an officer with violence to his or her
6 person, or
7 (q) Felony that is an act of terrorism or is in
8 furtherance of an act of terrorism,
9
10 by a person other than the person engaged in the perpetration
11 of or in the attempt to perpetrate such felony, the person
12 perpetrating or attempting to perpetrate such felony is guilty
13 of murder in the second degree, which constitutes a felony of
14 the first degree, punishable by imprisonment for a term of
15 years not exceeding life or as provided in s. 775.082, s.
16 775.083, or s. 775.084.
- 17 (4) The unlawful killing of a human being, when
18 perpetrated without any design to effect death, by a person
19 engaged in the perpetration of, or in the attempt to
20 perpetrate, any felony other than any:
- 21 (a) Trafficking offense prohibited by s. 893.135(1),
22 (b) Arson,
23 (c) Sexual battery,
24 (d) Robbery,
25 (e) Burglary,
26 (f) Kidnapping,
27 (g) Escape,
28 (h) Aggravated child abuse,
29 (i) Aggravated abuse of an elderly person or disabled
30 adult,
31 (j) Aircraft piracy,

- 1 (k) Unlawful throwing, placing, or discharging of a
2 destructive device or bomb,
- 3 (l) Unlawful distribution of any substance controlled
4 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
5 or opium or any synthetic or natural salt, compound,
6 derivative, or preparation of opium by a person 18 years of
7 age or older, when such drug is proven to be the proximate
8 cause of the death of the user,
- 9 (m) Carjacking,
- 10 (n) Home invasion robbery,
- 11 (o) Aggravated stalking,
- 12 (p) Murder of another human being, ~~or~~
- 13 (q) Resisting an officer with violence to his or her
14 person, or
- 15 (r) Felony that is an act of terrorism or is in
16 furtherance of an act terrorism,
17
- 18 is murder in the third degree and constitutes a felony of the
19 second degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084.
- 21 (5) As used in this section, the term "terrorism"
22 means an activity that:
- 23 (a) Involves a violent act or act dangerous to human
24 life which is a violation of the criminal laws of this state
25 or of the United States; and
- 26 (b) Appears to be intended to:
- 27 1. Intimidate, injure, or coerce a civilian
28 population;
- 29 2. Influence the policy of a government by
30 intimidation or coercion; or
31

1 3. Affect the conduct of government through
2 destruction of property, assassination, murder, or kidnapping.

3 Section 3. This act shall take effect upon becoming a
4 law.

5
6 *****

7 LEGISLATIVE SUMMARY

8 Provides for the reclassification of offenses the
9 commission of which facilitated or furthered any act of
10 terrorism. Includes any felony that is an act of
11 terrorism or is in furtherance of an act of terrorism as
12 a qualifying offense under the felony murder provisions.
13 Creates the crime of felony murder involving any felony
14 that is an act of terrorism or is in furtherance of an
15 act of terrorism.
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31