

Bill No. CS for CS for SB 438

Amendment No. Barcode 584322

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Meek moved the following amendment:

Senate Amendment

On page 2, line 6, through page 5, line 23, delete those lines

and insert:

(2) Except as provided in subsection (3) or subsection (4), any person who without lawful authority seizes or exercises control, by use or threat of force or violence and with wrongful intent, of any aircraft containing a nonconsenting person within this state and who intentionally crashes that aircraft commits the offense of aggravated aircraft piracy, a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who violates subsection (2) and, in the course of such violation, causes the permanent physical injury, impairment, or disability of another person commits the offense of aggravated aircraft piracy, a life felony,

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1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084.

3 (4) A person who violates subsection (2) and, in the
4 course of such violation, causes the death of another person
5 commits the offense of aggravated aircraft piracy, a capital
6 felony, punishable as provided in s. 775.082.

7 Section 2. Section 860.161, Florida Statutes, is
8 created to read:

9 860.161 Vessel piracy; aggravated vessel piracy;
10 definitions; penalties.--

11 (1) As used in this section, the term:

12 (a) "Vessel" means a watercraft that is propelled by
13 power other than wind or muscular power and that is used to
14 transport persons or property. The term does not include a
15 seaplane, personal watercraft, specialty prop-craft, or
16 inflatable watercraft.

17 (b) "Personal watercraft" means a watercraft that uses
18 an inboard motor powering a water jet pump as its primary
19 source of motive power and that is designed to be operated by
20 a person sitting, standing, or kneeling on the watercraft,
21 rather than in the conventional manner of sitting or standing
22 inside the watercraft.

23 (c) "Specialty prop-craft" means a watercraft that is
24 similar in appearance and operation to a personal watercraft
25 but that is powered by an outboard or propeller-driven motor.

26 (2) Any person who without lawful authority seizes or
27 exercises control, by use or threat of force or violence and
28 with wrongful intent, of any vessel containing a nonconsenting
29 person within this state commits the offense of vessel piracy,
30 a felony of the first degree, punishable as provided in s.
31 775.082, s. 775.083, or s. 775.084.

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1 (3) Except as provided in subsection (4) or subsection
 2 (5), any person who without lawful authority seizes or
 3 exercises control, by use or threat of force or violence and
 4 with wrongful intent, of any vessel containing a nonconsenting
 5 person within this state and who intentionally crashes or
 6 sinks that vessel commits the offense of aggravated vessel
 7 piracy, a felony of the first degree, punishable by
 8 imprisonment for a term of years not exceeding life
 9 imprisonment or as provided in s. 775.082, s. 775.083, or s.
 10 775.084.

11 (4) Any person who violates subsection (3) and, in the
 12 course of such violation, causes the permanent physical
 13 injury, impairment, or disability of another person commits
 14 the offense of aggravated vessel piracy, a life felony,
 15 punishable as provided in s. 775.082, s. 775.083, or s.
 16 775.084.

17 (5) Any person who violates subsection (3) and, in the
 18 course of such violation, causes the death of another person
 19 commits the offense of aggravated vessel piracy, a capital
 20 felony, punishable as provided in s. 775.082.

21 Section 3. Section 860.162, Florida Statutes, is
 22 created to read:

23 860.162 Ground transport piracy; aggravated ground
 24 transport piracy; definitions; penalties.--

25 (1) As used in this section, the term:

26 (a) "Ground transport" means a motor vehicle, railroad
 27 train, or other vehicle that is propelled by power other than
 28 muscular power, that runs upon a single rail or upon a track
 29 or guideway, and that is used to transport persons or
 30 property.

31 (b) "Motor vehicle" means a vehicle that is propelled

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1 by power other than muscular power, that is operated on the
2 roads of this state, and that is used to transport persons or
3 property. The term does not include a traction engine, road
4 roller, motorcycle, moped, scooter, or bicycle.

5 (c) "Railroad train" means a steam engine,
6 electric-powered engine, or other motor engine that is
7 operated upon rails, with or without a car coupled to the
8 engine, or a car that is or can be coupled to such an engine
9 and that is operated upon rails.

10 (2) Any person who without lawful authority seizes or
11 exercises control, by use or threat of force or violence and
12 with wrongful intent, of any ground transport containing a
13 nonconsenting person within this state commits the offense of
14 ground transport piracy, a felony of the first degree,
15 punishable as provided in s. 775.082, s. 775.083, or s.
16 775.084.

17 (3) Except as provided in subsection (4) or subsection
18 (5), any person who without lawful authority seizes or
19 exercises control, by use or threat of force or violence and
20 with wrongful intent, of any ground transport containing a
21 nonconsenting person within this state and who intentionally
22 crashes that ground transport or intentionally detaches that
23 ground transport from a rail or rails, a track, or a guideway
24 commits the offense of aggravated ground transport piracy, a
25 felony of the first degree, punishable by imprisonment for a
26 term of years not exceeding life imprisonment or as provided
27 in s. 775.082, s. 775.083, or s. 775.084.

28 (4) Any person who violates subsection (3) and, in the
29 course of such violation, causes the permanent physical
30 injury, impairment, or disability of another person commits
31 the offense of aggravated ground transport piracy, a life

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1 felony, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 (5) Any person who violates subsection (3) and, in the
4 course of such violation, causes the death of another person
5 commits the offense of aggravated ground transport piracy, a
6 capital felony, punishable as provided in s. 775.082.

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