

By the Committee on Criminal Justice; and Senators Brown-Waite and Smith

307-1789-02

1 A bill to be entitled
2 An act relating to piracy of transportation;
3 amending s. 860.16, F.S.; specifying the
4 elements constituting the offenses of
5 aggravated aircraft piracy; providing
6 penalties; creating s. 860.161, F.S.; providing
7 definitions; specifying the elements
8 constituting the offense of vessel piracy;
9 providing a penalty; specifying the offenses
10 constituting the offenses of aggravated vessel
11 piracy; providing penalties; creating s.
12 860.162, F.S.; providing definitions;
13 specifying the elements constituting the
14 offense of ground transport piracy; providing a
15 penalty; specifying the elements constituting
16 the offenses of aggravated ground transport
17 piracy; providing penalties; amending s.
18 921.0022, F.S., relating to the offense
19 severity ranking chart of the Criminal
20 Punishment Code; conforming provisions to
21 changes made by the act; providing an effective
22 date.

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

26 Section 1. Section 860.16, Florida Statutes, is
27 amended to read:

28 860.16 Aircraft piracy; aggravated aircraft piracy;
29 penalties ~~penalty~~.--

30 (1) Whoever without lawful authority seizes or
31 exercises control, by use or threat of force or violence and

1 with wrongful intent, of any aircraft containing a
2 nonconsenting person ~~or persons~~ within this state commits is
3 ~~guilty of the offense crime~~ of aircraft piracy, a felony of
4 the first degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084.

6 (2) Except as provided in subsection (3) or subsection
7 (4), any person who without lawful authority seizes or
8 exercises control, by use or threat of force or violence and
9 with wrongful intent, of any aircraft containing a
10 nonconsenting person within this state and who intentionally
11 crashes that aircraft commits the offense of aggravated
12 aircraft piracy, a felony of the first degree, punishable by
13 imprisonment for a term of years not exceeding life
14 imprisonment or as provided in s. 775.082, s. 775.083, or s.
15 775.084.

16 (3) A person who violates subsection (2) and, in the
17 course of such violation, causes the permanent physical
18 injury, impairment, or disability of another person commits
19 the offense of aggravated aircraft piracy, a life felony,
20 punishable as provided in s. 775.082, s. 775.083, or s.
21 775.084.

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

26 Section 2. Section 860.161, Florida Statutes, is
27 created to read:

28 860.161 Vessel piracy; aggravated vessel piracy;
29 definitions; penalties.--

30 (1) As used in this section, the term:
31

1 (a) "Vessel" means a watercraft that is propelled by
2 power other than wind or muscular power and that is used to
3 transport persons or property. The term does not include a
4 seaplane, personal watercraft, specialty prop-craft, or
5 inflatable watercraft.

6 (b) "Personal watercraft" means a watercraft that uses
7 an inboard motor powering a water jet pump as its primary
8 source of motive power and that is designed to be operated by
9 a person sitting, standing, or kneeling on the watercraft,
10 rather than in the conventional manner of sitting or standing
11 inside the watercraft.

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

15 (2) Any person who without lawful authority seizes or
16 exercises control, by use or threat of force or violence and
17 with wrongful intent, of any vessel containing a nonconsenting
18 person within this state commits the offense of vessel piracy,
19 a felony of the first degree, punishable as provided in s.
20 775.082, s. 775.083, or s. 775.084.

21 (3) Except as provided in subsection (4) or subsection
22 (5), any person who without lawful authority seizes or
23 exercises control, by use or threat of force or violence and
24 with wrongful intent, of any vessel containing a nonconsenting
25 person within this state and who intentionally crashes or
26 sinks that vessel commits the offense of aggravated vessel
27 piracy, a felony of the first degree, punishable by
28 imprisonment for a term of years not exceeding life
29 imprisonment or as provided in s. 775.082, s. 775.083, or s.
30 775.084.

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1 (4) Any person who violates subsection (3) and, in the
2 course of such violation, causes the permanent physical
3 injury, impairment, or disability of another person commits
4 the offense of aggravated vessel piracy, a life felony,
5 punishable as provided in s. 775.082, s. 775.083, or s.
6 775.084.

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

11 Section 3. Section 860.162, Florida Statutes, is
12 created to read:

13 860.162 Ground transport piracy; aggravated ground
14 transport piracy; definitions; penalties.--

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

16 (a) "Ground transport" means a motor vehicle, railroad
17 train, or other vehicle that is propelled by power other than
18 muscular power, that runs upon a single rail or upon a track
19 or guideway, and that is used to transport persons or
20 property.

21 (b) "Motor vehicle" means a vehicle that is propelled
22 by power other than muscular power, that is operated on the
23 roads of this state, and that is used to transport persons or
24 property. The term does not include a traction engine, road
25 roller, motorcycle, moped, scooter, or bicycle.

26 (c) "Railroad train" means a steam engine,
27 electric-powered engine, or other motor engine that is
28 operated upon rails, with or without a car coupled to the
29 engine, or a car that is or can be coupled to such an engine
30 and that is operated upon rails.

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1 (2) Any person who without lawful authority seizes or
2 exercises control, by use or threat of force or violence and
3 with wrongful intent, of any ground transport containing a
4 nonconsenting person within this state commits the offense of
5 ground transport piracy, a felony of the first degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084.

8 (3) Except as provided in subsection (4) or subsection
9 (5), any person who without lawful authority seizes or
10 exercises control, by use or threat of force or violence and
11 with wrongful intent, of any ground transport containing a
12 nonconsenting person within this state and who intentionally
13 crashes that ground transport or intentionally detaches that
14 ground transport from a rail or rails, a track, or a guideway
15 commits the offense of aggravated ground transport piracy, a
16 felony of the first degree, punishable by imprisonment for a
17 term of years not exceeding life imprisonment or as provided
18 in s. 775.082, s. 775.083, or s. 775.084.

19 (4) Any person who violates subsection (3) and, in the
20 course of such violation, causes the permanent physical
21 injury, impairment, or disability of another person commits
22 the offense of aggravated ground transport piracy, a life
23 felony, punishable as provided in s. 775.082, s. 775.083, or
24 s. 775.084.

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

29 Section 4. Paragraphs (h), (i), and (j) of subsection
30 (3) of section 921.0022, Florida Statutes, as amended by
31

1 section 2 of chapter 2001-358, Laws of Florida, are amended to
2 read:

3 921.0022 Criminal Punishment Code; offense severity
4 ranking chart.--

5 (3) OFFENSE SEVERITY RANKING CHART

6	7 Florida	8 Felony	
9	10 Statute	11 Degree	12 Description
13			(h) LEVEL 8
14	316.193		
15	(3)(c)3.a.	2nd	DUI manslaughter.
16	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
17	560.123(8)(b)2.	2nd	Failure to report currency or 18 payment instruments totaling or 19 exceeding \$20,000, but less than 20 \$100,000 by money transmitter.
21	560.125(5)(b)	2nd	Money transmitter business by 22 unauthorized person, currency or 23 payment instruments totaling or 24 exceeding \$20,000, but less than 25 \$100,000.
26	655.50(10)(b)2.	2nd	Failure to report financial 27 transactions totaling or 28 exceeding \$20,000, but less than 29 \$100,000 by financial 30 institutions.
31	777.03(2)(a)	1st	Accessory after the fact, capital felony.

1	782.04(4)	2nd	Killing of human without design
2			when engaged in act or attempt of
3			any felony other than arson,
4			sexual battery, robbery,
5			burglary, kidnapping, aircraft
6			piracy, or unlawfully discharging
7			bomb.
8	782.051(2)	1st	Attempted felony murder while
9			perpetrating or attempting to
10			perpetrate a felony not
11			enumerated in s. 782.04(3).
12	782.071(1)(b)	1st	Committing vehicular homicide and
13			failing to render aid or give
14			information.
15	782.072(2)	1st	Committing vessel homicide and
16			failing to render aid or give
17			information.
18	790.161(3)	1st	Discharging a destructive device
19			which results in bodily harm or
20			property damage.
21	794.011(5)	2nd	Sexual battery, victim 12 years
22			or over, offender does not use
23			physical force likely to cause
24			serious injury.
25	800.04(4)	2nd	Lewd or lascivious battery.
26	806.01(1)	1st	Maliciously damage dwelling or
27			structure by fire or explosive,
28			believing person in structure.
29	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
30	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
31			or dangerous weapon.

1	810.02(2)(c)	1st	Burglary of a dwelling or
2			structure causing structural
3			damage or \$1,000 or more property
4			damage.
5	812.13(2)(b)	1st	Robbery with a weapon.
6	812.135(2)	1st	Home-invasion robbery.
7	825.102(2)	2nd	Aggravated abuse of an elderly
8			person or disabled adult.
9	825.103(2)(a)	1st	Exploiting an elderly person or
10			disabled adult and property is
11			valued at \$100,000 or more.
12	837.02(2)	2nd	Perjury in official proceedings
13			relating to prosecution of a
14			capital felony.
15	837.021(2)	2nd	Making contradictory statements
16			in official proceedings relating
17			to prosecution of a capital
18			felony.
19	860.121(2)(c)	1st	Shooting at or throwing any
20			object in path of railroad
21			vehicle resulting in great bodily
22			harm.
23	<u>860.16(1)</u> 860.16	1st	Aircraft piracy.
24	<u>860.161(2)</u>	<u>1st</u>	<u>Vessel piracy.</u>
25	<u>860.162(2)</u>	<u>1st</u>	<u>Ground transport piracy.</u>
26	893.13(1)(b)	1st	Sell or deliver in excess of 10
27			grams of any substance specified
28			in s. 893.03(1)(a) or (b).
29	893.13(2)(b)	1st	Purchase in excess of 10 grams of
30			any substance specified in s.
31			893.03(1)(a) or (b).

1	893.13(6)(c)	1st	Possess in excess of 10 grams of
2			any substance specified in s.
3			893.03(1)(a) or (b).
4	893.135(1)(a)2.	1st	Trafficking in cannabis, more
5			than 2,000 lbs., less than 10,000
6			lbs.
7	893.135		
8	(1)(b)1.b.	1st	Trafficking in cocaine, more than
9			200 grams, less than 400 grams.
10	893.135		
11	(1)(c)1.b.	1st	Trafficking in illegal drugs,
12			more than 14 grams, less than 28
13			grams.
14	893.135		
15	(1)(d)1.b.	1st	Trafficking in phencyclidine,
16			more than 200 grams, less than
17			400 grams.
18	893.135		
19	(1)(e)1.b.	1st	Trafficking in methaqualone, more
20			than 5 kilograms, less than 25
21			kilograms.
22	893.135		
23	(1)(f)1.b.	1st	Trafficking in amphetamine, more
24			than 28 grams, less than 200
25			grams.
26	893.135		
27	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
28			grams or more, less than 28
29			grams.
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1	893.135		
2	(1)(h)1.b.	1st	Trafficking in
3			gamma-hydroxybutyric acid (GHB),
4			5 kilograms or more, less than 10
5			kilograms.
6	893.135		
7	(1)(i)1.b.	1st	Trafficking in 1,4-Butanediol, 5
8			kilograms or more, less than 10
9			kilograms.
10	893.135		
11	(1)(j)2.b.	1st	Trafficking in Phenethylamines,
12			200 grams or more, less than 400
13			grams.
14	895.03(1)	1st	Use or invest proceeds derived
15			from pattern of racketeering
16			activity.
17	895.03(2)	1st	Acquire or maintain through
18			racketeering activity any
19			interest in or control of any
20			enterprise or real property.
21	895.03(3)	1st	Conduct or participate in any
22			enterprise through pattern of
23			racketeering activity.
24	896.101(5)(b)	2nd	Money laundering, financial
25			transactions totaling or
26			exceeding \$20,000, but less than
27			\$100,000.
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1	896.104(4)(a)2.	2nd	Structuring transactions to evade
2			reporting or registration
3			requirements, financial
4			transactions totaling or
5			exceeding \$20,000 but less than
6			\$100,000.
7			(i) LEVEL 9
8	316.193		
9	(3)(c)3.b.	1st	DUI manslaughter; failing to
10			render aid or give information.
11	560.123(8)(b)3.	1st	Failure to report currency or
12			payment instruments totaling or
13			exceeding \$100,000 by money
14			transmitter.
15	560.125(5)(c)	1st	Money transmitter business by
16			unauthorized person, currency, or
17			payment instruments totaling or
18			exceeding \$100,000.
19	655.50(10)(b)3.	1st	Failure to report financial
20			transactions totaling or
21			exceeding \$100,000 by financial
22			institution.
23	755.0844	1st	Aggravated white collar crime.
24	782.04(1)	1st	Attempt, conspire, or solicit to
25			commit premeditated murder.
26	782.04(3)	1st,PBL	Accomplice to murder in
27			connection with arson, sexual
28			battery, robbery, burglary, and
29			other specified felonies.
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1	782.051(1)	1st	Attempted felony murder while
2			perpetrating or attempting to
3			perpetrate a felony enumerated in
4			s. 782.04(3).
5	782.07(2)	1st	Aggravated manslaughter of an
6			elderly person or disabled adult.
7	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
8			reward or as a shield or hostage.
9	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
10			or facilitate commission of any
11			felony.
12	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
13			interfere with performance of any
14			governmental or political
15			function.
16	787.02(3)(a)	1st	False imprisonment; child under
17			age 13; perpetrator also commits
18			aggravated child abuse, sexual
19			battery, or lewd or lascivious
20			battery, molestation, conduct, or
21			exhibition.
22	790.161	1st	Attempted capital destructive
23			device offense.
24	790.166(2)	1st,PBL	Possessing, selling, using, or
25			attempting to use a weapon of
26			mass destruction.
27	794.011(2)	1st	Attempted sexual battery; victim
28			less than 12 years of age.
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1	794.011(2)	Life	Sexual battery; offender younger
2			than 18 years and commits sexual
3			battery on a person less than 12
4			years.
5	794.011(4)	1st	Sexual battery; victim 12 years
6			or older, certain circumstances.
7	794.011(8)(b)	1st	Sexual battery; engage in sexual
8			conduct with minor 12 to 18 years
9			by person in familial or
10			custodial authority.
11	800.04(5)(b)	1st	Lewd or lascivious molestation;
12			victim less than 12 years;
13			offender 18 years or older.
14	812.13(2)(a)	1st,PBL	Robbery with firearm or other
15			deadly weapon.
16	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
17			deadly weapon.
18	827.03(2)	1st	Aggravated child abuse.
19	847.0145(1)	1st	Selling, or otherwise
20			transferring custody or control,
21			of a minor.
22	847.0145(2)	1st	Purchasing, or otherwise
23			obtaining custody or control, of
24			a minor.
25	859.01	1st	Poisoning or introducing
26			bacteria, radioactive materials,
27			viruses, or chemical compounds
28			into food, drink, medicine, or
29			water with intent to kill or
30			injure another person.
31	<u>860.160(2)</u>	<u>1st,PBL</u>	<u>Aggravated aircraft piracy.</u>

1	<u>860.161(3)</u>	<u>1st,PBL</u>	<u>Aggravated vessel piracy.</u>
2	<u>860.162(3)</u>	<u>1st,PBL</u>	<u>Aggravated ground transport</u>
3			<u>piracy.</u>
4	893.135	1st	Attempted capital trafficking
5			offense.
6	893.135(1)(a)3.	1st	Trafficking in cannabis, more
7			than 10,000 lbs.
8	893.135		
9	(1)(b)1.c.	1st	Trafficking in cocaine, more than
10			400 grams, less than 150
11			kilograms.
12	893.135		
13	(1)(c)1.c.	1st	Trafficking in illegal drugs,
14			more than 28 grams, less than 30
15			kilograms.
16	893.135		
17	(1)(d)1.c.	1st	Trafficking in phencyclidine,
18			more than 400 grams.
19	893.135		
20	(1)(e)1.c.	1st	Trafficking in methaqualone, more
21			than 25 kilograms.
22	893.135		
23	(1)(f)1.c.	1st	Trafficking in amphetamine, more
24			than 200 grams.
25	893.135		
26	(1)(h)1.c.	1st	Trafficking in
27			gamma-hydroxybutyric acid (GHB),
28			10 kilograms or more.
29	893.135		
30	(1)(i)1.c.	1st	Trafficking in 1,4-Butanediol, 10
31			kilograms or more.

1	893.135		
2	(1)(j)2.c.	1st	Trafficking in Phenethylamines,
3			400 grams or more.
4	896.101(5)(c)	1st	Money laundering, financial
5			instruments totaling or exceeding
6			\$100,000.
7	896.104(4)(a)3.	1st	Structuring transactions to evade
8			reporting or registration
9			requirements, financial
10			transactions totaling or
11			exceeding \$100,000.
12			(j) LEVEL 10
13	782.04(2)	1st,PBL	Unlawful killing of human; act is
14			homicide, unpremeditated.
15	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm
16			upon or terrorize victim.
17	787.01(3)(a)	Life	Kidnapping; child under age 13,
18			perpetrator also commits
19			aggravated child abuse, sexual
20			battery, or lewd or lascivious
21			battery, molestation, conduct, or
22			exhibition.
23	782.07(3)	1st	Aggravated manslaughter of a
24			child.
25	794.011(3)	Life	Sexual battery; victim 12 years
26			or older, offender uses or
27			threatens to use deadly weapon or
28			physical force to cause serious
29			injury.
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1	<u>860.160(3)</u>	<u>Life</u>	<u>Aggravated aircraft piracy</u>
2			<u>causing permanent physical</u>
3			<u>injury, impairment, or</u>
4			<u>disability.</u>
5	<u>860.161(4)</u>	<u>Life</u>	<u>Aggravated vessel piracy causing</u>
6			<u>permanent physical injury,</u>
7			<u>impairment, or disability.</u>
8	<u>860.162(4)</u>	<u>Life</u>	<u>Aggravated ground transport</u>
9			<u>piracy causing permanent physical</u>
10			<u>injury, impairment, or</u>
11			<u>disability.</u>
12	876.32	1st	Treason against the state.
13	Section 5. This act shall take effect July 1, 2002.		
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15	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN		
16	COMMITTEE SUBSTITUTE FOR		
17	<u>Senate Bill 438</u>		
18	-	Creates counterparts to aircraft piracy for the hijacking of certain "vessels" and "ground transport," terms that are specifically defined.	
19			
20	-	Creates aggravated piracy offenses to address the use of aircraft and certain vessels and ground transport as a weapon (the felony degree of these aggravated crimes ranges from a first-degree felony punishable by life to a capital felony, depending upon whether there was injury or death).	
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24	-	Ranks the new offenses for purposes of sentencing under the Criminal Punishment Code.	
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