

By Senators Brown-Waite and Smith

10-624-02

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.

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

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 trier of fact finds that the
26 commission of the felony or misdemeanor facilitated or
27 furthered the commission of any act of terrorism. The
28 reclassification shall be made in the 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 second degree, the
6 offense is reclassified as a felony of the first degree.

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

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

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

17 (b) A felony offense that is reclassified under this
18 section is ranked one level above the ranking specified in s.
19 921.0022 or s. 921.0023 for the offense committed.

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

22 (a)1. Involves a violent act or an act dangerous to
23 human life which is a violation of the criminal laws of this
24 state or of the United States; or

25 2. Involves a violation of s. 815.06; and

26 (b) Is 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, kidnapping, or
3 aircraft piracy.

4 Section 2. Section 782.04, Florida Statutes, is
5 amended to read:

6 782.04 Murder.--

7 (1)(a) The unlawful killing of a human being:

8 1. When perpetrated from a premeditated design to
9 effect the death of the person killed or any human being;

10 2. When committed by a person engaged in the
11 perpetration of, or in the attempt to perpetrate, any:

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

13 b. Arson,

14 c. Sexual battery,

15 d. Robbery,

16 e. Burglary,

17 f. Kidnapping,

18 g. Escape,

19 h. Aggravated child abuse,

20 i. Aggravated abuse of an elderly person or disabled
21 adult,

22 j. Aircraft piracy,

23 k. Unlawful throwing, placing, or discharging of a
24 destructive device or bomb,

25 l. Carjacking,

26 m. Home-invasion robbery,

27 n. Aggravated stalking,

28 o. Murder of another human being,

29 p. Resisting an officer with violence to his or her
30 person, ~~or~~

31

1 q. Felony that is an act of terrorism or is in
2 furtherance of an act of terrorism; or

3 3. Which resulted from the unlawful distribution of
4 any substance controlled under s. 893.03(1), cocaine as
5 described in s. 893.03(2)(a)4., or opium or any synthetic or
6 natural salt, compound, derivative, or preparation of opium by
7 a person 18 years of age or older, when such drug is proven to
8 be the proximate cause of the death of the user,

9
10 is murder in the first degree and constitutes a capital
11 felony, punishable as provided in s. 775.082.

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

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

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

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

26 (b) Arson,

27 (c) Sexual battery,

28 (d) Robbery,

29 (e) Burglary,

30 (f) Kidnapping,

31 (g) Escape,

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

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

