

By Senator Campbell

32-1453B-03

See HB 483

1 A bill to be entitled
2 An act relating to home-invasion robbery;
3 amending s. 812.135, F.S.; providing additional
4 offense classifications and revising the
5 penalties for home-invasion robbery; providing
6 that it is a life felony to commit a
7 home-invasion robbery in the course of which a
8 firearm or other deadly weapon is carried;
9 providing that it is a first-degree felony
10 punishable by a term of imprisonment not
11 exceeding life imprisonment to commit a
12 home-invasion robbery in the course of which a
13 weapon is carried; providing penalties;
14 reenacting s. 943.325(1), F.S., relating to
15 blood specimen testing for DNA analysis, to
16 incorporate the amendment made by this act in a
17 reference; amending s. 921.0022, F.S., relating
18 to the Criminal Punishment Code offense
19 severity ranking chart, to conform; providing
20 an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 812.135, Florida Statutes, is
25 amended to read:

26 812.135 Home-invasion robbery.--

27 (1) "Home-invasion robbery" means any robbery that
28 occurs when the offender enters a dwelling with the intent to
29 commit a robbery, and does commit a robbery of the occupants
30 therein.

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1 (2)(a) If in the course of committing the
2 home-invasion robbery the person carries a firearm or other
3 deadly weapon, the person commits a life felony, punishable as
4 provided in s. 775.082, s. 775.083, or s. 775.084.

5 (b) If in the course of committing the home-invasion
6 robbery the person carries a weapon, the person commits a
7 felony of the first degree, punishable by imprisonment for a
8 term of years not exceeding life imprisonment or as provided
9 in s. 775.082, s. 775.083, or s. 775.084.

10 (c) If in the course of committing the home-invasion
11 robbery the person carries no firearm, deadly weapon, or other
12 weapon, the person commits a felony of the first degree,
13 punishable as provided in s. 775.082, s. 775.083, or s.
14 775.084.

15 ~~(2) A person who commits a home-invasion robbery is~~
16 ~~guilty of a felony of the first degree, punishable as provided~~
17 ~~in s. 775.082, s. 775.083, or s. 775.084.~~

18 Section 2. For the purpose of incorporating the
19 amendment to section 812.135, Florida Statutes, in a reference
20 thereto, subsection (1) of section 943.325, Florida Statutes,
21 is reenacted to read:

22 943.325 Blood or other biological specimen testing for
23 DNA analysis.--

24 (1)(a) Any person who is convicted or was previously
25 convicted in this state for any offense or attempted offense
26 enumerated in paragraph (b), and any person who is transferred
27 to this state under Article VII of the Interstate Compact on
28 Juveniles, part V of chapter 985, who has committed or
29 attempted to commit an offense similarly defined by the
30 transferring state, who is either:

- 31 1. Still incarcerated, or

1 2. No longer incarcerated, or has never been
2 incarcerated, yet is within the confines of the legal state
3 boundaries and is on probation, community control, parole,
4 conditional release, control release, or any other type of
5 court-ordered supervision,

6
7 shall be required to submit two specimens of blood or other
8 biological specimens approved by the Department of Law
9 Enforcement to a Department of Law Enforcement designated
10 testing facility as directed by the department.

11 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045,
12 s. 810.02, s. 812.133, or s. 812.135.

13 2. Effective July 1, 2002, and contingent upon
14 specific appropriation, s. 812.13 or s. 812.131.

15 3. Effective July 1, 2003, and contingent upon
16 specific appropriation, chapter 787 or s. 782.07.

17 4. Effective July 1, 2004, and contingent upon
18 specific appropriation, any forcible felony, as described in
19 s. 776.08, aggravated child abuse, as described in s.
20 827.03(2), aggravated abuse of an elderly person or a disabled
21 adult, as described in s. 825.102(2), or any felony violation
22 of chapter 790 involving the use or possession of a firearm.

23 5. Effective July 1, 2005, and contingent upon
24 specific appropriation, any felony offense.

25 (c) As used in this section, the term "any person"
26 includes both juveniles and adults committed to a county jail
27 or committed to or under the supervision of the Department of
28 Corrections or the Department of Juvenile Justice, including
29 persons incarcerated in a private correctional institution
30 operated under contract pursuant to s. 944.105 or s. 957.03.

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1 (d) Effective July 1, 2001, any person who was
2 previously convicted in this state for any offense or
3 attempted offense enumerated in subparagraph (b)1.,
4 subparagraph (b)2., or subparagraph (b)3. and who is still
5 incarcerated or in the custody of the Department of Juvenile
6 Justice must submit, not less than 45 days before his or her
7 presumptive date of release from such incarceration or
8 commitment, two specimens of blood as directed by the
9 Department of Law Enforcement to a testing facility designated
10 by the department.

11 Section 3. Paragraph (h) of subsection (3) of section
12 921.0022, Florida Statutes, is amended to read:

13 921.0022 Criminal Punishment Code; offense severity
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

16

| 17 Florida | Felony | |
|------------|--------|-------------|
| 18 Statute | Degree | Description |

19

20

21 (h) LEVEL 8

22 316.193

23 (3)(c)3.a. 2nd DUI manslaughter.

24 327.35(3)(c)3. 2nd Vessel BUI manslaughter.

25 560.123(8)(b)2. 2nd Failure to report currency or
26 payment instruments totaling or
27 exceeding \$20,000, but less than
28 \$100,000 by money transmitter.

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| 1 | 560.125(5)(b) | 2nd | Money transmitter business by |
| 2 | | | unauthorized person, currency or |
| 3 | | | payment instruments totaling or |
| 4 | | | exceeding \$20,000, but less than |
| 5 | | | \$100,000. |
| 6 | 655.50(10)(b)2. | 2nd | Failure to report financial |
| 7 | | | transactions totaling or |
| 8 | | | exceeding \$20,000, but less than |
| 9 | | | \$100,000 by financial |
| 10 | | | institutions. |
| 11 | 777.03(2)(a) | 1st | Accessory after the fact, capital |
| 12 | | | felony. |
| 13 | 782.04(4) | 2nd | Killing of human without design |
| 14 | | | when engaged in act or attempt of |
| 15 | | | any felony other than arson, |
| 16 | | | sexual battery, robbery, |
| 17 | | | burglary, kidnapping, aircraft |
| 18 | | | piracy, or unlawfully discharging |
| 19 | | | bomb. |
| 20 | 782.051(2) | 1st | Attempted felony murder while |
| 21 | | | perpetrating or attempting to |
| 22 | | | perpetrate a felony not |
| 23 | | | enumerated in s. 782.04(3). |
| 24 | 782.071(1)(b) | 1st | Committing vehicular homicide and |
| 25 | | | failing to render aid or give |
| 26 | | | information. |
| 27 | 782.072(2) | 1st | Committing vessel homicide and |
| 28 | | | failing to render aid or give |
| 29 | | | information. |
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| 1 | 790.161(3) | 1st | Discharging a destructive device |
| 2 | | | which results in bodily harm or |
| 3 | | | property damage. |
| 4 | 794.011(5) | 2nd | Sexual battery, victim 12 years |
| 5 | | | or over, offender does not use |
| 6 | | | physical force likely to cause |
| 7 | | | serious injury. |
| 8 | 800.04(4) | 2nd | Lewd or lascivious battery. |
| 9 | 806.01(1) | 1st | Maliciously damage dwelling or |
| 10 | | | structure by fire or explosive, |
| 11 | | | believing person in structure. |
| 12 | 810.02(2)(a) | 1st,PBL | Burglary with assault or battery. |
| 13 | 810.02(2)(b) | 1st,PBL | Burglary; armed with explosives |
| 14 | | | or dangerous weapon. |
| 15 | 810.02(2)(c) | 1st | Burglary of a dwelling or |
| 16 | | | structure causing structural |
| 17 | | | damage or \$1,000 or more property |
| 18 | | | damage. |
| 19 | 812.13(2)(b) | 1st | Robbery with a weapon. |
| 20 | 812.135(2) | 1st | Home-invasion robbery, <u>no</u> |
| 21 | | | <u>firearm, deadly weapon, or other</u> |
| 22 | | | <u>weapon.</u> |
| 23 | 825.102(2) | 2nd | Aggravated abuse of an elderly |
| 24 | | | person or disabled adult. |
| 25 | 825.1025(2) | 2nd | Lewd or lascivious battery upon |
| 26 | | | an elderly person or disabled |
| 27 | | | adult. |
| 28 | 825.103(2)(a) | 1st | Exploiting an elderly person or |
| 29 | | | disabled adult and property is |
| 30 | | | valued at \$100,000 or more. |
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| 1 | 837.02(2) | 2nd | Perjury in official proceedings |
| 2 | | | relating to prosecution of a |
| 3 | | | capital felony. |
| 4 | 837.021(2) | 2nd | Making contradictory statements |
| 5 | | | in official proceedings relating |
| 6 | | | to prosecution of a capital |
| 7 | | | felony. |
| 8 | 860.121(2)(c) | 1st | Shooting at or throwing any |
| 9 | | | object in path of railroad |
| 10 | | | vehicle resulting in great bodily |
| 11 | | | harm. |
| 12 | 860.16 | 1st | Aircraft piracy. |
| 13 | 893.13(1)(b) | 1st | Sell or deliver in excess of 10 |
| 14 | | | grams of any substance specified |
| 15 | | | in s. 893.03(1)(a) or (b). |
| 16 | 893.13(2)(b) | 1st | Purchase in excess of 10 grams of |
| 17 | | | any substance specified in s. |
| 18 | | | 893.03(1)(a) or (b). |
| 19 | 893.13(6)(c) | 1st | Possess in excess of 10 grams of |
| 20 | | | any substance specified in s. |
| 21 | | | 893.03(1)(a) or (b). |
| 22 | 893.135(1)(a)2. | 1st | Trafficking in cannabis, more |
| 23 | | | than 2,000 lbs., less than 10,000 |
| 24 | | | lbs. |
| 25 | 893.135 | | |
| 26 | (1)(b)1.b. | 1st | Trafficking in cocaine, more than |
| 27 | | | 200 grams, less than 400 grams. |
| 28 | 893.135 | | |
| 29 | (1)(c)1.b. | 1st | Trafficking in illegal drugs, |
| 30 | | | more than 14 grams, less than 28 |
| 31 | | | grams. |

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| 1 | 893.135 | | |
| 2 | (1)(d)1.b. | 1st | Trafficking in phencyclidine, |
| 3 | | | more than 200 grams, less than |
| 4 | | | 400 grams. |
| 5 | 893.135 | | |
| 6 | (1)(e)1.b. | 1st | Trafficking in methaqualone, more |
| 7 | | | than 5 kilograms, less than 25 |
| 8 | | | kilograms. |
| 9 | 893.135 | | |
| 10 | (1)(f)1.b. | 1st | Trafficking in amphetamine, more |
| 11 | | | than 28 grams, less than 200 |
| 12 | | | grams. |
| 13 | 893.135 | | |
| 14 | (1)(g)1.b. | 1st | Trafficking in flunitrazepam, 14 |
| 15 | | | grams or more, less than 28 |
| 16 | | | grams. |
| 17 | 893.135 | | |
| 18 | (1)(h)1.b. | 1st | Trafficking in |
| 19 | | | gamma-hydroxybutyric acid (GHB), |
| 20 | | | 5 kilograms or more, less than 10 |
| 21 | | | kilograms. |
| 22 | 893.135 | | |
| 23 | (1)(j)1.b. | 1st | Trafficking in 1,4-Butanediol, 5 |
| 24 | | | kilograms or more, less than 10 |
| 25 | | | kilograms. |
| 26 | 893.135 | | |
| 27 | (1)(k)2.b. | 1st | Trafficking in Phenethylamines, |
| 28 | | | 200 grams or more, less than 400 |
| 29 | | | grams. |
| 30 | | | |
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1 895.03(1) 1st Use or invest proceeds derived
2 from pattern of racketeering
3 activity.
4 895.03(2) 1st Acquire or maintain through
5 racketeering activity any
6 interest in or control of any
7 enterprise or real property.
8 895.03(3) 1st Conduct or participate in any
9 enterprise through pattern of
10 racketeering activity.
11 896.101(5)(b) 2nd Money laundering, financial
12 transactions totaling or
13 exceeding \$20,000, but less than
14 \$100,000.
15 896.104(4)(a)2. 2nd Structuring transactions to evade
16 reporting or registration
17 requirements, financial
18 transactions totaling or
19 exceeding \$20,000 but less than
20 \$100,000.
21 Section 4. This act shall take effect upon becoming a
22 law.
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