



HB 0483

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1 A bill to be entitled

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

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

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20 Section 1. Section 812.135, Florida Statutes, is amended
21 to read:

22 812.135 Home-invasion robbery.--

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

26 (2) (a) If in the course of committing the home-invasion
27 robbery the person carries a firearm or other deadly weapon, the
28 person commits a life felony, punishable as provided in s.
29 775.082, s. 775.083, or s. 775.084.



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30 (b) If in the course of committing the home-invasion
31 robbery the person carries a weapon, the person commits a felony
32 of the first degree, punishable by imprisonment for a term of
33 years not exceeding life imprisonment or as provided in s.
34 775.082, s. 775.083, or s. 775.084.

35 (c) If in the course of committing the home-invasion
36 robbery the person carries no firearm, deadly weapon, or other
37 weapon, the person commits a felony of the first degree,
38 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

39 ~~(2) A person who commits a home-invasion robbery is guilty~~
40 ~~of a felony of the first degree, punishable as provided in s.~~
41 ~~775.082, s. 775.083, or s. 775.084.~~

42 Section 2. For the purpose of incorporating the amendment
43 to section 812.135, Florida Statutes, in a reference thereto,
44 subsection (1) of section 943.325, Florida Statutes, is
45 reenacted to read:

46 943.325 Blood or other biological specimen testing for DNA
47 analysis.--

48 (1) (a) Any person who is convicted or was previously
49 convicted in this state for any offense or attempted offense
50 enumerated in paragraph (b), and any person who is transferred
51 to this state under Article VII of the Interstate Compact on
52 Juveniles, part V of chapter 985, who has committed or attempted
53 to commit an offense similarly defined by the transferring
54 state, who is either:

- 55 1. Still incarcerated, or
- 56 2. No longer incarcerated, or has never been incarcerated,
57 yet is within the confines of the legal state boundaries and is
58 on probation, community control, parole, conditional release,
59 control release, or any other type of court-ordered supervision,



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61 shall be required to submit two specimens of blood or other
62 biological specimens approved by the Department of Law
63 Enforcement to a Department of Law Enforcement designated
64 testing facility as directed by the department.

65 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s.
66 810.02, s. 812.133, or s. 812.135.

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

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

71 4. Effective July 1, 2004, and contingent upon specific
72 appropriation, any forcible felony, as described in s. 776.08,
73 aggravated child abuse, as described in s. 827.03(2), aggravated
74 abuse of an elderly person or a disabled adult, as described in
75 s. 825.102(2), or any felony violation of chapter 790 involving
76 the use or possession of a firearm.

77 5. Effective July 1, 2005, and contingent upon specific
78 appropriation, any felony offense.

79 (c) As used in this section, the term "any person"
80 includes both juveniles and adults committed to a county jail or
81 committed to or under the supervision of the Department of
82 Corrections or the Department of Juvenile Justice, including
83 persons incarcerated in a private correctional institution
84 operated under contract pursuant to s. 944.105 or s. 957.03.

85 (d) Effective July 1, 2001, any person who was previously
86 convicted in this state for any offense or attempted offense
87 enumerated in subparagraph (b)1., subparagraph (b)2., or
88 subparagraph (b)3. and who is still incarcerated or in the
89 custody of the Department of Juvenile Justice must submit, not



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90 less than 45 days before his or her presumptive date of release
 91 from such incarceration or commitment, two specimens of blood as
 92 directed by the Department of Law Enforcement to a testing
 93 facility designated by the department.

94 Section 3. Paragraph (h) of subsection (3) of section
 95 921.0022, Florida Statutes, is amended to read:

96 921.0022 Criminal Punishment Code; offense severity
 97 ranking chart.--

98 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(h) LEVEL 8
316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.



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105	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
106	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
107	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
108	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
109	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
110	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
111	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
112	800.04 (4)	2nd	Lewd or lascivious battery.
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	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
114	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
115	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
116	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
117	812.13 (2) (b)	1st	Robbery with a weapon.
118	812.135 (2) <u>(c)</u>	1st	<u>Home-invasion robbery, no firearm, deadly weapon, or other weapon.</u>
119	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
120	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
121	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
122	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
123	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.



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124	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
125	860.16	1st	Aircraft piracy.
126	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
127	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
128	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
129	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
130	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
131	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
132	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
133	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
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135	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
136	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
137	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
138	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
139	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
140	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
141	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
142	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
143	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
	896.104 (4) (a) 2.	2nd	Structuring transactions to evade



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reporting or registration
requirements, financial transactions
totaling or exceeding \$20,000 but
less than \$100,000.

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