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A bill to be entitled
 An act relating to homicide of an unborn quick child;
 amending s. 316.193, F.S.; including the death of an
 unborn quick child under DUI manslaughter; amending s.
 782.071, F.S.; making the killing of an unborn quick child
 rather than the killing of a viable fetus a "vehicular
 homicide"; deleting a provision describing the viability
 of a fetus; amending s. 782.09, F.S.; providing that
 killing an unborn quick child by injury to the mother
 which would be murder in any degree if it resulted in the
 death of the mother is murder in the same degree;
 providing penalties; providing that the unlawful killing
 of an unborn quick child by injury to the mother which
 would be manslaughter if it resulted in the death of the
 mother is manslaughter; providing penalties; providing
 that the death of the mother does not bar prosecution
 under specified circumstances; providing that the section
 does not authorize prosecution of a person in connection
 with a termination of pregnancy; amending s. 921.0022,
 F.S., relating to the Criminal Punishment Code offense
 severity ranking chart; conforming provisions to changes
 made by the act; providing an effective date.

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

Section 1. Subsection (3) of section 316.193, Florida
 Statutes, is amended to read:



29 316.193 Driving under the influence; penalties.--

30 (3) Any person:

31 (a) Who is in violation of subsection (1);

32 (b) Who operates a vehicle; and

33 (c) Who, by reason of such operation, causes or

34 contributes to causing:

35 1. Damage to the property or person of another commits a
 36 misdemeanor of the first degree, punishable as provided in s.
 37 775.082 or s. 775.083.

38 2. Serious bodily injury to another, as defined in s.
 39 316.1933, commits a felony of the third degree, punishable as
 40 provided in s. 775.082, s. 775.083, or s. 775.084.

41 3. The death of any human being or unborn quick child
 42 commits DUI manslaughter, and commits:

43 a. A felony of the second degree, punishable as provided
 44 in s. 775.082, s. 775.083, or s. 775.084.

45 b. A felony of the first degree, punishable as provided in
 46 s. 775.082, s. 775.083, or s. 775.084, if:

47 (I) At the time of the crash, the person knew, or should
 48 have known, that the crash occurred; and

49 (II) The person failed to give information and render aid
 50 as required by s. 316.062.

51 Section 2. Section 782.071, Florida Statutes, is amended
 52 to read:

53 782.071 Vehicular homicide.--"Vehicular homicide" is the
 54 killing of a human being, or the killing of an unborn quick
 55 child ~~a viable fetus~~ by any injury to the mother, caused by the



56 operation of a motor vehicle by another in a reckless manner
 57 likely to cause the death of, or great bodily harm to, another.

58 (1) Vehicular homicide is:

59 (a) A felony of the second degree, punishable as provided
 60 in s. 775.082, s. 775.083, or s. 775.084.

61 (b) A felony of the first degree, punishable as provided
 62 in s. 775.082, s. 775.083, or s. 775.084, if:

63 1. At the time of the accident, the person knew, or should
 64 have known, that the accident occurred; and

65 2. The person failed to give information and render aid as
 66 required by s. 316.062.

67

68 This paragraph does not require that the person knew that the
 69 accident resulted in injury or death.

70 ~~(2) For purposes of this section, the term "unborn quick~~
 71 ~~child" means the unborn child of a pregnant woman which has~~
 72 ~~developed to the point of maturity at which its movements can be~~
 73 ~~felt in its mother, or at which the unborn child a fetus is~~
 74 ~~viable when it becomes capable of meaningful life outside the~~
 75 ~~womb through standard medical measures.~~

76 (2)~~(3)~~ A right of action for civil damages shall exist
 77 under s. 768.19, under all circumstances, for all deaths
 78 described in this section.

79 (3)~~(4)~~ In addition to any other punishment, the court may
 80 order the person to serve 120 community service hours in a
 81 trauma center or hospital that regularly receives victims of
 82 vehicle accidents, under the supervision of a registered nurse,
 83 an emergency room physician, or an emergency medical technician



84 pursuant to a voluntary community service program operated by
85 the trauma center or hospital.

86 Section 3. Section 782.09, Florida Statutes, is amended to
87 read:

88 782.09 Killing of unborn quick child by injury to
89 mother.--

90 (1) The unlawful ~~willful~~ killing of an unborn quick child,
91 by any injury to the mother of such child which would be murder
92 if it resulted in the death of such mother, shall be deemed
93 murder in the same degree as that which would have been
94 committed against the mother. A person who unlawfully kills an
95 unborn quick child by any injury to the mother:

96 (a) Which would be murder in the first degree if it
97 resulted in the mother's death commits murder in the first
98 degree, a capital felony, punishable as provided in s. 775.082.

99 (b) Which would be murder in the second degree if it
100 resulted in the mother's death commits murder in the second
101 degree, a felony of the first degree, punishable as provided in
102 s. 775.082, s. 775.083, or s. 775.084.

103 (c) Which would be murder in the third degree if it
104 resulted in the mother's death commits murder in the third
105 degree ~~manslaughter~~, a felony of the second degree, punishable
106 as provided in s. 775.082, s. 775.083, or s. 775.084.

107 (2) The unlawful killing of an unborn quick child by any
108 injury to the mother of such child which would be manslaughter
109 if it resulted in the death of such mother shall be deemed
110 manslaughter. A person who unlawfully kills an unborn quick
111 child by any injury to the mother which would be manslaughter if



112 it resulted in the mother's death commits manslaughter, a felony
 113 of the second degree, punishable as provided in s. 775.082, s.
 114 775.083, or s. 775.084.

115 (3) The death of the mother resulting from the same act or
 116 criminal episode that caused the death of the unborn quick child
 117 shall not bar prosecution under this section.

118 (4) This section does not authorize the prosecution of any
 119 person in connection with a termination of pregnancy pursuant to
 120 chapter 390.

121 Section 4. Paragraph (g) of subsection (3) of section
 122 921.0022, Florida Statutes, is amended to read:

123 921.0022 Criminal Punishment Code; offense severity
 124 ranking chart.--

125 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c) 2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.



130	409.920(2)	3rd	Medicaid provider fraud.
131	456.065(2)	3rd	Practicing a health care profession without a license.
132	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
133	458.327(1)	3rd	Practicing medicine without a license.
134	459.013(1)	3rd	Practicing osteopathic medicine without a license.
135	460.411(1)	3rd	Practicing chiropractic medicine without a license.
136	461.012(1)	3rd	Practicing podiatric medicine without a license.
137	462.17	3rd	Practicing naturopathy without a license.
138	463.015(1)	3rd	Practicing optometry without a license.
139	464.016(1)	3rd	Practicing nursing without a license.
140	465.015(2)	3rd	Practicing pharmacy without a license.
141	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.



142	467.201	3rd	Practicing midwifery without a license.
143	468.366	3rd	Delivering respiratory care services without a license.
144	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
145	483.901(9)	3rd	Practicing medical physics without a license.
146	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
147	484.053	3rd	Dispensing hearing aids without a license.
148	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
149	560.123(8)(b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
150	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than



			\$20,000.
151	655.50(10)(b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
152	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
153	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
154	782.071 <u>(1)</u>	2nd	Killing of human being or <u>unborn quick child</u> viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
155	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
156	784.045(1)(a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
157	784.045(1)(a) 2.	2nd	Aggravated battery; using deadly weapon.
158			



159	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
160	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
161	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
162	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
163	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
164	784.081(1)	1st	Aggravated battery on specified official or employee.
165	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
166	784.083(1)	1st	Aggravated battery on code inspector.
167	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
168	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
	790.165(2)	2nd	Manufacture, sell, possess, or deliver



169	790.165(3)	2nd	hoax bomb. Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
170	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
171	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
172	796.03	2nd	Procuring any person under 16 years for prostitution.
173	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
174	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
175	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
176	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed;



			no assault or battery.
177	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
178	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
179	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.
180	812.014(2)(b)	2nd	Property stolen, emergency medical 3. equipment; 2nd degree grand theft.
181	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
182	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
183	812.131(2)(a)	2nd	Robbery by sudden snatching.
184	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
185	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.



186	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
187	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
188	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
189	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
190	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
191	872.06	2nd	Abuse of a dead human body.
192	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
193	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s.



194	893.13(4)(a)	1st	893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
195	893.135(1)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
196	893.135(1)(a)	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
197	893.135(1)(b)	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
198	893.135(1)(b)	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
199	893.135(1)(c)	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
200	893.135(1)(c)	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
201	893.135(1)(d)	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
202	893.135(1)(e)	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
	893.135(1)(e)	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
	893.135(1)(f)	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
	893.135(1)(g)	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
	893.135(1)(g)	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
	893.135(1)(h)	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
	893.135(1)(h)	1st	Trafficking in gamma-hydroxybutyric acid



- 203 1.a. (GHB), 1 kilogram or more, less than 5 kilograms.
- 204 893.135(1)(j) 1st Trafficking in 1,4-Butanediol, 1
1.a. kilogram or more, less than 5 kilograms.
- 205 893.135(1)(k) 1st Trafficking in Phenethylamines, 10 grams
2.a. or more, less than 200 grams.
- 206 896.101(5)(a) 3rd Money laundering, financial transactions
exceeding \$300 but less than \$20,000.
- 207 896.104(4)(a) 3rd Structuring transactions to evade
1. reporting or registration requirements,
financial transactions exceeding \$300
but less than \$20,000.

208 Section 5. This act shall take effect October 1, 2003, and
209 shall apply to offenses committed on or after that date.

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