

Bill No. HB 125, 1st Eng.

Amendment No. ____ Barcode 143924

CHAMBER ACTION

Senate

House

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11 Senator Lynn moved the following amendment:

12
13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15
16 and insert:

17 Section 1. This act may be cited as the "Jason A.
18 Gucwa Act."

19 Section 2. Subsection (1) of section 777.03, Florida
20 Statutes, is amended to read:

21 777.03 Accessory after the fact.--

22 (1)(a) Any person, except a child under the age of 18
23 at the time of the commission of the underlying felony,

24 regardless of the relation to the offender not standing in the
25 relation of husband or wife, parent or grandparent, child or
26 grandchild, brother or sister, by consanguinity or affinity to

27 the offender, who maintains or assists the principal or
28 accessory before the fact, or gives the offender any other
29 aid, knowing that the offender had committed a felony or been
30 accessory thereto before the fact, with intent that the
31 offender avoids or escapes detection, arrest, trial or

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1 punishment, is an accessory after the fact.

2 (b) Any person, ~~regardless of the relation to the~~
3 ~~offender~~, who maintains or assists the principal or accessory
4 before the fact, or gives the offender any other aid, knowing
5 that the offender had committed the offense of child abuse,
6 neglect of a child, aggravated child abuse, aggravated
7 manslaughter of a child under 18 years of age, or murder of a
8 child under 18 years of age, or had been accessory thereto
9 before the fact, with the intent that the offender avoids or
10 escapes detection, arrest, trial, or punishment, is an
11 accessory after the fact unless the court finds that the
12 person is a victim of domestic violence.

13 Section 3. For the purpose of incorporating the
14 amendment made by this act to section 777.03, Florida
15 Statutes, in a reference thereto, paragraph (h) of subsection
16 (3) of section 921.0022, Florida Statutes, is reenacted to
17 read:

18 921.0022 Criminal Punishment Code; offense severity
19 ranking chart.--

20 (3) OFFENSE SEVERITY RANKING CHART

21

22 Florida	Felony	
23 Statute	Degree	Description
24		
25		
26		(h) LEVEL 8
27 316.193		
28 (3)(c)3.a.	2nd	DUI manslaughter.
29 327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
30 499.0051(7)	1st	Forgery of prescription or legend
31		drug labels.

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1	499.0052	1st	Trafficking in contraband legend
2			drugs.
3	560.123(8)(b)2.	2nd	Failure to report currency or
4			payment instruments totaling or
5			exceeding \$20,000, but less than
6			\$100,000 by money transmitter.
7	560.125(5)(b)	2nd	Money transmitter business by
8			unauthorized person, currency or
9			payment instruments totaling or
10			exceeding \$20,000, but less than
11			\$100,000.
12	655.50(10)(b)2.	2nd	Failure to report financial
13			transactions totaling or
14			exceeding \$20,000, but less than
15			\$100,000 by financial
16			institutions.
17	777.03(2)(a)	1st	Accessory after the fact, capital
18			felony.
19	782.04(4)	2nd	Killing of human without design
20			when engaged in act or attempt of
21			any felony other than arson,
22			sexual battery, robbery,
23			burglary, kidnapping, aircraft
24			piracy, or unlawfully discharging
25			bomb.
26	782.051(2)	1st	Attempted felony murder while
27			perpetrating or attempting to
28			perpetrate a felony not
29			enumerated in s. 782.04(3).
30	782.071(1)(b)	1st	Committing vehicular homicide and
31			failing to render aid or give

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1			information.
2	782.072(2)	1st	Committing vessel homicide and
3			failing to render aid or give
4			information.
5	790.161(3)	1st	Discharging a destructive device
6			which results in bodily harm or
7			property damage.
8	794.011(5)	2nd	Sexual battery, victim 12 years
9			or over, offender does not use
10			physical force likely to cause
11			serious injury.
12	800.04(4)	2nd	Lewd or lascivious battery.
13	806.01(1)	1st	Maliciously damage dwelling or
14			structure by fire or explosive,
15			believing person in structure.
16	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
17	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
18			or dangerous weapon.
19	810.02(2)(c)	1st	Burglary of a dwelling or
20			structure causing structural
21			damage or \$1,000 or more property
22			damage.
23	812.13(2)(b)	1st	Robbery with a weapon.
24	812.135(2)	1st	Home-invasion robbery.
25	817.568(6)	2nd	Fraudulent use of personal
26			identification information of an
27			individual under the age of 18.
28	825.102(2)	2nd	Aggravated abuse of an elderly
29			person or disabled adult.
30	825.1025(2)	2nd	Lewd or lascivious battery upon
31			an elderly person or disabled

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1			adult.
2	825.103(2)(a)	1st	Exploiting an elderly person or
3			disabled adult and property is
4			valued at \$100,000 or more.
5	837.02(2)	2nd	Perjury in official proceedings
6			relating to prosecution of a
7			capital felony.
8	837.021(2)	2nd	Making contradictory statements
9			in official proceedings relating
10			to prosecution of a capital
11			felony.
12	860.121(2)(c)	1st	Shooting at or throwing any
13			object in path of railroad
14			vehicle resulting in great bodily
15			harm.
16	860.16	1st	Aircraft piracy.
17	893.13(1)(b)	1st	Sell or deliver in excess of 10
18			grams of any substance specified
19			in s. 893.03(1)(a) or (b).
20	893.13(2)(b)	1st	Purchase in excess of 10 grams of
21			any substance specified in s.
22			893.03(1)(a) or (b).
23	893.13(6)(c)	1st	Possess in excess of 10 grams of
24			any substance specified in s.
25			893.03(1)(a) or (b).
26	893.135(1)(a)2.	1st	Trafficking in cannabis, more
27			than 2,000 lbs., less than 10,000
28			lbs.
29	893.135		
30	(1)(b)1.b.	1st	Trafficking in cocaine, more than
31			200 grams, less than 400 grams.

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1	893.135		
2	(1)(c)1.b.	1st	Trafficking in illegal drugs,
3			more than 14 grams, less than 28
4			grams.
5	893.135		
6	(1)(d)1.b.	1st	Trafficking in phencyclidine,
7			more than 200 grams, less than
8			400 grams.
9	893.135		
10	(1)(e)1.b.	1st	Trafficking in methaqualone, more
11			than 5 kilograms, less than 25
12			kilograms.
13	893.135		
14	(1)(f)1.b.	1st	Trafficking in amphetamine, more
15			than 28 grams, less than 200
16			grams.
17	893.135		
18	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
19			grams or more, less than 28
20			grams.
21	893.135		
22	(1)(h)1.b.	1st	Trafficking in
23			gamma-hydroxybutyric acid (GHB),
24			5 kilograms or more, less than 10
25			kilograms.
26	893.135		
27	(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
28			kilograms or more, less than 10
29			kilograms.
30	893.135		
31	(1)(k)2.b.	1st	Trafficking in Phenethylamines,

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1			200 grams or more, less than 400
2			grams.
3	895.03(1)	1st	Use or invest proceeds derived
4			from pattern of racketeering
5			activity.
6	895.03(2)	1st	Acquire or maintain through
7			racketeering activity any
8			interest in or control of any
9			enterprise or real property.
10	895.03(3)	1st	Conduct or participate in any
11			enterprise through pattern of
12			racketeering activity.
13	896.101(5)(b)	2nd	Money laundering, financial
14			transactions totaling or
15			exceeding \$20,000, but less than
16			\$100,000.
17	896.104(4)(a)2.	2nd	Structuring transactions to evade
18			reporting or registration
19			requirements, financial
20			transactions totaling or
21			exceeding \$20,000 but less than
22			\$100,000.

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

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 27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause

30

31 and insert:

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A bill to be entitled
An act relating to accessories to a crime;
providing a short title; amending s. 777.03,
F.S.; removing provisions that exempt certain
members of an offender's family from being
charged with the offense of acting as an
accessory after the fact; reenacting s.
921.0022(3)(h), F.S., relating to the Criminal
Punishment Code, to incorporate the amendment
to s. 777.03, F.S., in a reference thereto;
providing an effective date.