

HB 0125

2004

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

10

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

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13           Section 1. This act may be cited as the "Jason A. Gucwa  
 14 Act."

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

17           777.03 Accessory after the fact.--

18           (1)(a) Any person ~~not standing in the relation of husband~~  
 19 ~~or wife, parent or grandparent, child or grandchild, brother or~~  
 20 ~~sister, by consanguinity or affinity to the offender,~~ who  
 21 maintains or assists the principal or accessory before the fact,  
 22 or gives the offender any other aid, knowing that the offender  
 23 had committed a felony or been accessory thereto before the  
 24 fact, with intent that the offender avoids or escapes detection,  
 25 arrest, trial or punishment, is an accessory after the fact.

26           (b) Any person, ~~regardless of the relation to the~~  
 27 ~~offender,~~ who maintains or assists the principal or accessory  
 28 before the fact, or gives the offender any other aid, knowing  
 29 that the offender had committed the offense of child abuse,

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30 neglect of a child, aggravated child abuse, aggravated  
 31 manslaughter of a child under 18 years of age, or murder of a  
 32 child under 18 years of age, or had been accessory thereto  
 33 before the fact, with the intent that the offender avoids or  
 34 escapes detection, arrest, trial, or punishment, is an accessory  
 35 after the fact unless the court finds that the person is a  
 36 victim of domestic violence.

37 Section 3. For the purpose of incorporating the amendment  
 38 made by this act to section 777.03, Florida Statutes, in a  
 39 reference thereto, paragraph (h) of subsection(3) of section  
 40 921.0022, Florida Statutes, is reenacted to read:

41 921.0022 Criminal Punishment Code; offense severity  
 42 ranking chart.--

43 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description
		(h) LEVEL 8
316.193(3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
499.0051(7)	1st	Forgery of prescription or legend drug labels.
499.0052	1st	Trafficking in contraband legend

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drugs.

52

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.

53

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.

54

655.50(10)(b)2. 2nd

Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

55

777.03(2)(a) 1st

Accessory after the fact, capital felony.

56

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.

57

782.051(2) 1st

Attempted felony murder while

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perpetrating or attempting to  
perpetrate a felony not  
enumerated in s. 782.04(3).

58

782.071(1)(b)

1st

Committing vehicular homicide  
and failing to render aid or  
give information.

59

782.072(2)

1st

Committing vessel homicide and  
failing to render aid or give  
information.

60

790.161(3)

1st

Discharging a destructive device  
which results in bodily harm or  
property damage.

61

794.011(5)

2nd

Sexual battery, victim 12 years  
or over, offender does not use  
physical force likely to cause  
serious injury.

62

800.04(4)

2nd

Lewd or lascivious battery.

63

806.01(1)

1st

Maliciously damage dwelling or  
structure by fire or explosive,  
believing person in structure.

64

810.02(2)(a)

1st, PBL

Burglary with assault or  
battery.

65

810.02(2)(b)

1st, PBL

Burglary; armed with explosives

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or dangerous weapon.

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810.02(2)(c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

67

812.13(2)(b) 1st Robbery with a weapon.

68

812.135(2) 1st Home-invasion robbery.

69

817.568(6) 2nd Fraudulent use of personal identification information of an individual under the age of 18.

70

825.102(2) 2nd Aggravated abuse of an elderly person or disabled adult.

71

825.1025(2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.

72

825.103(2)(a) 1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

73

837.02(2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

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837.021(2) 2nd Making contradictory statements in official proceedings relating

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			to prosecution of a capital felony.
75	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
76	860.16	1st	Aircraft piracy.
77	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).
78	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
79	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
80	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
81	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
82	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs,

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more than 14 grams, less than 28 grams.

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893.135(1)(d)1.b. 1st

Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

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893.135(1)(e)1.b. 1st

Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

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893.135(1)(f)1.b. 1st

Trafficking in amphetamine, more than 28 grams, less than 200 grams.

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893.135(1)(g)1.b. 1st

Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

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893.135(1)(h)1.b. 1st

Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

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893.135(1)(j)1.b. 1st

Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

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893.135(1)(k)2.b. 1st

Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

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90	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
91	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
92	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
93	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
94	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

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