

By Senator Lynn

7-66-04

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

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.

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

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

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

777.03 Accessory after the fact.--

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

(b) ~~Any person, regardless of the relation to the offender,~~ who maintains or assists the principal or accessory before the fact, or gives the offender any other aid, knowing

1 that the offender had committed the offense of child abuse,  
2 neglect of a child, aggravated child abuse, aggravated  
3 manslaughter of a child under 18 years of age, or murder of a  
4 child under 18 years of age, or had been accessory thereto  
5 before the fact, with the intent that the offender avoids or  
6 escapes detection, arrest, trial, or punishment, is an  
7 accessory after the fact unless the court finds that the  
8 person is a victim of domestic violence.

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

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

16 (3) OFFENSE SEVERITY RANKING CHART

17

18 Florida Felony

19 Statute Degree Description

20

21

22 (h) LEVEL 8

23 316.193

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

25 327.35(3)(c)3. 2nd Vessel BUI manslaughter.

26 499.0051(7) 1st Forgery of prescription or legend  
27 drug labels.

28 499.0052 1st Trafficking in contraband legend  
29 drugs.

30

31

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

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

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

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			
31			

1 893.135  
2 (1)(k)2.b. 1st Trafficking in Phenethylamines,  
3 200 grams or more, less than 400  
4 grams.  
5 895.03(1) 1st Use or invest proceeds derived  
6 from pattern of racketeering  
7 activity.  
8 895.03(2) 1st Acquire or maintain through  
9 racketeering activity any  
10 interest in or control of any  
11 enterprise or real property.  
12 895.03(3) 1st Conduct or participate in any  
13 enterprise through pattern of  
14 racketeering activity.  
15 896.101(5)(b) 2nd Money laundering, financial  
16 transactions totaling or  
17 exceeding \$20,000, but less than  
18 \$100,000.  
19 896.104(4)(a)2. 2nd Structuring transactions to evade  
20 reporting or registration  
21 requirements, financial  
22 transactions totaling or  
23 exceeding \$20,000 but less than  
24 \$100,000.

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

27  
28 \*\*\*\*\*

29 SENATE SUMMARY

30 Removes the exception for an offender's family member  
31 from the criminal accessory statute, thus allowing any  
person to be charged as an accessory after the fact.