

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

12
 13 Be It Enacted by the Legislature of the State of Florida:

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

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

19 777.03 Accessory after the fact.--
 20 (1)(a) Any person, except a child under the age of
 21 eighteen at the time of the commission of the underlying
 22 felony, regardless of the relation to the offender, not
 23 ~~standing in the relation of husband or wife, parent or~~
 24 ~~grandparent, child or grandchild, brother or sister, by~~
 25 ~~consanguinity or affinity to the offender,~~ who maintains or
 26 assists the principal or accessory before the fact, or gives
 27 the offender any other aid, knowing that the offender had
 28 committed a felony or been accessory thereto before the fact,
 29 with intent that the offender avoids or escapes detection,
 30 arrest, trial or punishment, is an accessory after the fact.

31

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

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

17 921.0022 Criminal Punishment Code; offense severity
 18 ranking chart.--

19 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
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.

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			
31			

1	782.071(1)(b)	1st	Committing vehicular homicide and
2			failing to render aid or give
3			information.
4	782.072(2)	1st	Committing vessel homicide and
5			failing to render aid or give
6			information.
7	790.161(3)	1st	Discharging a destructive device
8			which results in bodily harm or
9			property damage.
10	794.011(5)	2nd	Sexual battery, victim 12 years
11			or over, offender does not use
12			physical force likely to cause
13			serious injury.
14	800.04(4)	2nd	Lewd or lascivious battery.
15	806.01(1)	1st	Maliciously damage dwelling or
16			structure by fire or explosive,
17			believing person in structure.
18	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
19	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
20			or dangerous weapon.
21	810.02(2)(c)	1st	Burglary of a dwelling or
22			structure causing structural
23			damage or \$1,000 or more property
24			damage.
25	812.13(2)(b)	1st	Robbery with a weapon.
26	812.135(2)	1st	Home-invasion robbery.
27	817.568(6)	2nd	Fraudulent use of personal
28			identification information of an
29			individual under the age of 18.
30	825.102(2)	2nd	Aggravated abuse of an elderly
31			person or disabled adult.

1	825.1025(2)	2nd	Lewd or lascivious battery upon
2			an elderly person or disabled
3			adult.
4	825.103(2)(a)	1st	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$100,000 or more.
7	837.02(2)	2nd	Perjury in official proceedings
8			relating to prosecution of a
9			capital felony.
10	837.021(2)	2nd	Making contradictory statements
11			in official proceedings relating
12			to prosecution of a capital
13			felony.
14	860.121(2)(c)	1st	Shooting at or throwing any
15			object in path of railroad
16			vehicle resulting in great bodily
17			harm.
18	860.16	1st	Aircraft piracy.
19	893.13(1)(b)	1st	Sell or deliver in excess of 10
20			grams of any substance specified
21			in s. 893.03(1)(a) or (b).
22	893.13(2)(b)	1st	Purchase in excess of 10 grams of
23			any substance specified in s.
24			893.03(1)(a) or (b).
25	893.13(6)(c)	1st	Possess in excess of 10 grams of
26			any substance specified in s.
27			893.03(1)(a) or (b).
28	893.135(1)(a)2.	1st	Trafficking in cannabis, more
29			than 2,000 lbs., less than 10,000
30			lbs.
31			

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

1	893.135		
2	(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
3			kilograms or more, less than 10
4			kilograms.
5	893.135		
6	(1)(k)2.b.	1st	Trafficking in Phenethylamines,
7			200 grams or more, less than 400
8			grams.
9	895.03(1)	1st	Use or invest proceeds derived
10			from pattern of racketeering
11			activity.
12	895.03(2)	1st	Acquire or maintain through
13			racketeering activity any
14			interest in or control of any
15			enterprise or real property.
16	895.03(3)	1st	Conduct or participate in any
17			enterprise through pattern of
18			racketeering activity.
19	896.101(5)(b)	2nd	Money laundering, financial
20			transactions totaling or
21			exceeding \$20,000, but less than
22			\$100,000.
23	896.104(4)(a)2.	2nd	Structuring transactions to evade
24			reporting or registration
25			requirements, financial
26			transactions totaling or
27			exceeding \$20,000 but less than
28			\$100,000.
29	Section 4.		This act shall take effect upon becoming a
30	law.		
31			