

By Senator Smith

14-1252-04

See HB 71

1 A bill to be entitled
2 An act relating to home-invasion robbery;
3 amending s. 812.135, F.S.; providing additional
4 offense classifications and revising the
5 penalties for home-invasion robbery; providing
6 that it is a first degree felony punishable by
7 a term of imprisonment not exceeding life
8 imprisonment to commit a home-invasion robbery
9 in the course of which a firearm or other
10 deadly weapon is carried; providing penalties;
11 reenacting s. 943.325(1), F.S., relating to
12 blood specimen testing for DNA analysis, to
13 incorporate the amendment made to s. 812.135,
14 F.S., by this act in a reference thereto;
15 amending s. 921.0022, F.S., relating to the
16 Criminal Punishment Code offense severity
17 ranking chart, with respect to home-invasion
18 robberies; providing an effective date.

19

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

21

22 Section 1. Section 812.135, Florida Statutes, is
23 amended to read:

24

812.135 Home-invasion robbery.--

25

26 (1) "Home-invasion robbery" means any robbery that
27 occurs when the offender enters a dwelling with the intent to
28 commit a robbery, and does commit a robbery of the occupants
therein.

29

30 (2)(a) If in the course of committing the
31 home-invasion robbery the person carries a firearm or other
deadly weapon, the person commits a felony of the first

1 degree, punishable by imprisonment for a term of years not
2 exceeding life imprisonment as provided in s. 775.082, s.
3 775.083, or s. 775.084.

4 (b) If in the course of committing the home-invasion
5 robbery the person carries a weapon, the person commits a
6 felony of the first degree, punishable as provided in s.
7 775.082, s. 775.083, or s. 775.084.

8 (c) If in the course of committing the home-invasion
9 robbery the person carries no firearm, deadly weapon, or other
10 weapon, the person commits a felony of the first degree,
11 punishable as provided in s. 775.082, s. 775.083, or s.
12 775.084.

13 ~~(2) A person who commits a home-invasion robbery is~~
14 ~~guilty of a felony of the first degree, punishable as provided~~
15 ~~in s. 775.082, s. 775.083, or s. 775.084.~~

16 Section 2. For the purpose of incorporating the
17 amendment to section 812.135, Florida Statutes, in a reference
18 thereto, subsection (1) of section 943.325, Florida Statutes,
19 is reenacted to read:

20 943.325 Blood or other biological specimen testing for
21 DNA analysis.--

22 (1)(a) Any person who is convicted or was previously
23 convicted in this state for any offense or attempted offense
24 enumerated in paragraph (b), and any person who is transferred
25 to this state under Article VII of the Interstate Compact on
26 Juveniles, part V of chapter 985, who has committed or
27 attempted to commit an offense similarly defined by the
28 transferring state, who is either:

- 29 1. Still incarcerated, or
30 2. No longer incarcerated, or has never been
31 incarcerated, yet is within the confines of the legal state

1 boundaries and is on probation, community control, parole,
2 conditional release, control release, or any other type of
3 court-ordered supervision,

4
5 shall be required to submit two specimens of blood or other
6 biological specimens approved by the Department of Law
7 Enforcement to a Department of Law Enforcement designated
8 testing facility as directed by the department.

9 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045,
10 s. 810.02, s. 812.133, or s. 812.135.

11 2. Effective July 1, 2002, and contingent upon
12 specific appropriation, s. 812.13 or s. 812.131.

13 3. Effective July 1, 2003, and contingent upon
14 specific appropriation, chapter 787 or s. 782.07.

15 4. Effective July 1, 2004, and contingent upon
16 specific appropriation, any forcible felony, as described in
17 s. 776.08, aggravated child abuse, as described in s.
18 827.03(2), aggravated abuse of an elderly person or a disabled
19 adult, as described in s. 825.102(2), or any felony violation
20 of chapter 790 involving the use or possession of a firearm.

21 5. Effective July 1, 2005, and contingent upon
22 specific appropriation, any felony offense.

23 (c) As used in this section, the term "any person"
24 includes both juveniles and adults committed to a county jail
25 or committed to or under the supervision of the Department of
26 Corrections or the Department of Juvenile Justice, including
27 persons incarcerated in a private correctional institution
28 operated under contract pursuant to s. 944.105 or s. 957.03.

29 (d) Any person who was previously convicted in this
30 state for any offense or attempted offense enumerated in
31 subparagraph (b)1., subparagraph (b)2., or subparagraph (b)3.

1 and who is still incarcerated or in the custody of the
2 Department of Juvenile Justice must submit, not less than 45
3 days before his or her presumptive date of release from such
4 incarceration or commitment, two specimens of blood or other
5 approved biological specimens as directed by the Department of
6 Law Enforcement to a testing facility designated by the
7 department.

8 Section 3. Paragraphs (h), (i), and (j) of subsection
9 (3) of section 921.0022, Florida Statutes, are amended to
10 read:

11 921.0022 Criminal Punishment Code; offense severity
12 ranking chart.--

13 (3) OFFENSE SEVERITY RANKING CHART

14	15	16	17	18	19
	Florida	Felony			
	Statute	Degree		Description	
20			(h) LEVEL 8		
21	316.193 (3)(c)3.a.2nd			DUI manslaughter.	
22	327.35(3)(c)3.	2nd		Vessel BUI manslaughter.	
23	499.0051(7)	1st		Forgery of prescription or legend drug labels.	
24	499.0052	1st		Trafficking in contraband legend drugs.	
25					
26	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.	
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1	560.125(5)(b)	2nd	Money transmitter business by
2			unauthorized person, currency or
3			payment instruments totaling or
4			exceeding \$20,000, but less than
5			\$100,000.
6	655.50(10)(b)2.	2nd	Failure to report financial
7			transactions totaling or
8			exceeding \$20,000, but less than
9			\$100,000 by financial
10			institutions.
11	777.03(2)(a)	1st	Accessory after the fact, capital
12			felony.
13	782.04(4)	2nd	Killing of human without design
14			when engaged in act or attempt of
15			any felony other than arson,
16			sexual battery, robbery,
17			burglary, kidnapping, aircraft
18			piracy, or unlawfully discharging
19			bomb.
20	782.051(2)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony not
23			enumerated in s. 782.04(3).
24	782.071(1)(b)	1st	Committing vehicular homicide and
25			failing to render aid or give
26			information.
27	782.072(2)	1st	Committing vessel homicide and
28			failing to render aid or give
29			information.
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1	790.161(3)	1st	Discharging a destructive device
2			which results in bodily harm or
3			property damage.
4	794.011(5)	2nd	Sexual battery, victim 12 years
5			or over, offender does not use
6			physical force likely to cause
7			serious injury.
8	800.04(4)	2nd	Lewd or lascivious battery.
9	806.01(1)	1st	Maliciously damage dwelling or
10			structure by fire or explosive,
11			believing person in structure.
12	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
13	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
14			or dangerous weapon.
15	810.02(2)(c)	1st	Burglary of a dwelling or
16			structure causing structural
17			damage or \$1,000 or more property
18			damage.
19	812.13(2)(b)	1st	Robbery with a weapon.
20	812.135(2)(<u>c</u>)	1st	Home-invasion robbery, <u>no</u>
21			<u>firearm, deadly weapon, or other</u>
22			<u>weapon.</u>
23	817.568(6)	2nd	Fraudulent use of personal
24			identification information of an
25			individual under the age of 18.
26	825.102(2)	2nd	Aggravated abuse of an elderly
27			person or disabled adult.
28	825.1025(2)	2nd	Lewd or lascivious battery upon
29			an elderly person or disabled
30			adult.
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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 (1)(b)1.b.1st		Trafficking in cocaine, more than
29			200 grams, less than 400 grams.
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1	893.135	(1)(c)1.b.1st	Trafficking in illegal drugs,
2			more than 14 grams, less than 28
3			grams.
4	893.135	(1)(d)1.b.1st	Trafficking in phencyclidine,
5			more than 200 grams, less than
6			400 grams.
7	893.135	(1)(e)1.b.1st	Trafficking in methaqualone, more
8			than 5 kilograms, less than 25
9			kilograms.
10	893.135	(1)(f)1.b.1st	Trafficking in amphetamine, more
11			than 28 grams, less than 200
12			grams.
13	893.135	(1)(g)1.b.1st	Trafficking in flunitrazepam, 14
14			grams or more, less than 28
15			grams.
16	893.135	(1)(h)1.b.1st	Trafficking in
17			gamma-hydroxybutyric acid (GHB),
18			5 kilograms or more, less than 10
19			kilograms.
20	893.135	(1)(j)1.b.1st	Trafficking in 1,4-Butanediol, 5
21			kilograms or more, less than 10
22			kilograms.
23	893.135	(1)(k)2.b.1st	Trafficking in Phenethylamines,
24			200 grams or more, less than 400
25			grams.
26	895.03(1)	1st	Use or invest proceeds derived
27			from pattern of racketeering
28			activity.
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1	895.03(2)	1st	Acquire or maintain through
2			racketeering activity any
3			interest in or control of any
4			enterprise or real property.
5	895.03(3)	1st	Conduct or participate in any
6			enterprise through pattern of
7			racketeering activity.
8	896.101(5)(b)	2nd	Money laundering, financial
9			transactions totaling or
10			exceeding \$20,000, but less than
11			\$100,000.
12	896.104(4)(a)2.	2nd	Structuring transactions to evade
13			reporting or registration
14			requirements, financial
15			transactions totaling or
16			exceeding \$20,000 but less than
17			\$100,000.
18			(i) LEVEL 9
19	316.193 (3)(c)3.b.1st		DUI manslaughter; failing to
20			render aid or give information.
21	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
22			render aid or give information.
23	499.0053	1st	Sale or purchase of contraband
24			legend drugs resulting in great
25			bodily harm.
26	560.123(8)(b)3.	1st	Failure to report currency or
27			payment instruments totaling or
28			exceeding \$100,000 by money
29			transmitter.
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1	560.125(5)(c)	1st	Money transmitter business by
2			unauthorized person, currency, or
3			payment instruments totaling or
4			exceeding \$100,000.
5	655.50(10)(b)3.	1st	Failure to report financial
6			transactions totaling or
7			exceeding \$100,000 by financial
8			institution.
9	775.0844	1st	Aggravated white collar crime.
10	782.04(1)	1st	Attempt, conspire, or solicit to
11			commit premeditated murder.
12	782.04(3)	1st,PBL	Accomplice to murder in
13			connection with arson, sexual
14			battery, robbery, burglary, and
15			other specified felonies.
16	782.051(1)	1st	Attempted felony murder while
17			perpetrating or attempting to
18			perpetrate a felony enumerated in
19			s. 782.04(3).
20	782.07(2)	1st	Aggravated manslaughter of an
21			elderly person or disabled adult.
22	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
23			reward or as a shield or hostage.
24	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
25			or facilitate commission of any
26			felony.
27	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
28			interfere with performance of any
29			governmental or political
30			function.
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1	787.02(3)(a)	1st	False imprisonment; child under
2			age 13; perpetrator also commits
3			aggravated child abuse, sexual
4			battery, or lewd or lascivious
5			battery, molestation, conduct, or
6			exhibition.
7	790.161	1st	Attempted capital destructive
8			device offense.
9	790.166(2)	1st,PBL	Possessing, selling, using, or
10			attempting to use a weapon of
11			mass destruction.
12	794.011(2)	1st	Attempted sexual battery; victim
13			less than 12 years of age.
14	794.011(2)	Life	Sexual battery; offender younger
15			than 18 years and commits sexual
16			battery on a person less than 12
17			years.
18	794.011(4)	1st	Sexual battery; victim 12 years
19			or older, certain circumstances.
20	794.011(8)(b)	1st	Sexual battery; engage in sexual
21			conduct with minor 12 to 18 years
22			by person in familial or
23			custodial authority.
24	800.04(5)(b)	1st	Lewd or lascivious molestation;
25			victim less than 12 years;
26			offender 18 years or older.
27	812.13(2)(a)	1st,PBL	Robbery with firearm or other
28			deadly weapon.
29	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
30			deadly weapon.
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1	<u>812.135(2)(b)</u>	<u>1st</u>	<u>Home-invasion robbery with</u>
2			<u>weapon.</u>
3	817.568(7)	2nd,PBL	Fraudulent use of personal
4			identification information of an
5			individual under the age of 18 by
6			his or her parent, legal
7			guardian, or person exercising
8			custodial authority.
9	827.03(2)	1st	Aggravated child abuse.
10	847.0145(1)	1st	Selling, or otherwise
11			transferring custody or control,
12			of a minor.
13	847.0145(2)	1st	Purchasing, or otherwise
14			obtaining custody or control, of
15			a minor.
16	859.01	1st	Poisoning or introducing
17			bacteria, radioactive materials,
18			viruses, or chemical compounds
19			into food, drink, medicine, or
20			water with intent to kill or
21			injure another person.
22	893.135	1st	Attempted capital trafficking
23			offense.
24	893.135(1)(a)3.	1st	Trafficking in cannabis, more
25			than 10,000 lbs.
26	893.135 (1)(b)1.c.1st		Trafficking in cocaine, more than
27			400 grams, less than 150
28			kilograms.
29	893.135 (1)(c)1.c.1st		Trafficking in illegal drugs,
30			more than 28 grams, less than 30
31			kilograms.

1	893.135	(1)(d)1.c.1st	Trafficking in phencyclidine,
2			more than 400 grams.
3	893.135	(1)(e)1.c.1st	Trafficking in methaqualone, more
4			than 25 kilograms.
5	893.135	(1)(f)1.c.1st	Trafficking in amphetamine, more
6			than 200 grams.
7	893.135	(1)(h)1.c.1st	Trafficking in
8			gamma-hydroxybutyric acid (GHB),
9			10 kilograms or more.
10	893.135	(1)(j)1.c.1st	Trafficking in 1,4-Butanediol, 10
11			kilograms or more.
12	893.135	(1)(k)2.c.1st	Trafficking in Phenethylamines,
13			400 grams or more.
14	896.101(5)(c)	1st	Money laundering, financial
15			instruments totaling or exceeding
16			\$100,000.
17	896.104(4)(a)3.	1st	Structuring transactions to evade
18			reporting or registration
19			requirements, financial
20			transactions totaling or
21			exceeding \$100,000.
22			(j) LEVEL 10
23	499.0054	1st	Sale or purchase of contraband
24			legend drugs resulting in death.
25	782.04(2)	1st,PBL	Unlawful killing of human; act is
26			homicide, unpremeditated.
27	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm
28			upon or terrorize victim.
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1	787.01(3)(a)	Life	Kidnapping; child under age 13,
2			perpetrator also commits
3			aggravated child abuse, sexual
4			battery, or lewd or lascivious
5			battery, molestation, conduct, or
6			exhibition.
7	782.07(3)	1st	Aggravated manslaughter of a
8			child.
9	794.011(3)	Life	Sexual battery; victim 12 years
10			or older, offender uses or
11			threatens to use deadly weapon or
12			physical force to cause serious
13			injury.
14	<u>812.135(2)(a)</u>	<u>1st,PBL</u>	<u>Home-invasion robbery with</u>
15			<u>firearm or other deadly weapon.</u>
16	876.32	1st	Treason against the state.
17	Section 4.		This act shall take effect upon becoming a
18	law.		
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