

HB 0221

2004

A bill to be entitled

An act relating to assisting self-murder; amending s. 782.08, F.S.; revising element of offense; providing legislative findings; providing definitions; providing criminal penalties; amending s. 921.0022, F.S.; ranking the offense of assisting self-murder on the offense severity ranking chart of the Criminal Punishment Code; reenacting s. 790.065(2)(c), F.S.; incorporating the amendment to s. 782.08, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 782.08, Florida Statutes, is amended to read:

782.08 Assisting self-murder.--

(1) FINDINGS AND PURPOSE.--The Legislature finds that the state has a compelling interest in preserving human life, preventing suicide, protecting vulnerable persons, protecting the public health and safety, and maintaining the integrity of the medical profession. The Legislature further finds that there is a distinction between assisting self-murder and refusing or foregoing medical treatment.

(2) DEFINITIONS.--As used in this section, the term:

(a) "Deliberately assisting" means carrying out an act that is intended to:

1. Aid, abet, facilitate, permit, advocate, or encourage;

2. Publicize, promote, advertise, operate, stage, schedule or conduct;

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30 3. Provide or secure a venue, transportation, or security;

31 or

32 4. Result in the collection of an admission or fee.

33 (b) "Person" means every natural person, firm,

34 copartnership, association, or corporation.

35 (3) PENALTIES.--Every person deliberately assisting  
 36 another in the commission of self-murder, regardless of whether  
 37 death actually occurs, shall be guilty of ~~manslaughter,~~ a felony  
 38 of the second degree, punishable as provided in s. 775.082, s.  
 39 775.083, or s. 775.084.

40 Section 2. Paragraph (g) of subsection (3) of section  
 41 921.0022, Florida Statutes, is amended to read:

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

44 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

45

(g) LEVEL 7

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316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
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316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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50	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
51	409.920(2)	3rd	Medicaid provider fraud.
52	456.065(2)	3rd	Practicing a health care profession without a license.
53	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
54	458.327(1)	3rd	Practicing medicine without a license.
55	459.013(1)	3rd	Practicing osteopathic medicine without a license.
56	460.411(1)	3rd	Practicing chiropractic medicine without a license.
57	461.012(1)	3rd	Practicing podiatric medicine without a license.
58	462.17	3rd	Practicing naturopathy without a license.
59	463.015(1)	3rd	Practicing optometry without a license.

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60	464.016(1)	3rd	Practicing nursing without a license.
61	465.015(2)	3rd	Practicing pharmacy without a license.
62	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
63	467.201	3rd	Practicing midwifery without a license.
64	468.366	3rd	Delivering respiratory care services without a license.
65	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
66	483.901(9)	3rd	Practicing medical physics without a license.
67	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
68	484.053	3rd	Dispensing hearing aids without a license.
69	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

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70	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
71	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
72	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
73	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
74	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
75	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
75	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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76	<u>782.08</u>	<u>2nd</u>	<u>Assisting self-murder.</u>
77	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
78	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
79	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
80	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
81	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
82	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
83	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
84	784.081(1)	1st	Aggravated battery on specified official or employee.
85	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
86	784.083(1)	1st	Aggravated battery on code inspector.
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88	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
89	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
90	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
91	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
92	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
93	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
94	796.03	2nd	Procuring any person under 16 years for prostitution.
95	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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96	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
97	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
98	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
99	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
100	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
101	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.
102	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
103	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of

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property and traffics in stolen property.

104

812.131(2)(a) 2nd Robbery by sudden snatching.

105

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

106

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

107

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

108

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

109

817.2341(2)(b)& 1st Making false entries of material fact  
(3)(b) or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

110

825.102(3)(b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

111

825.103(2)(b) 2nd Exploiting an elderly person or

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disabled adult and property is valued  
at \$20,000 or more, but less than  
\$100,000.

112

827.03(3)(b)

2nd

Neglect of a child causing great  
bodily harm, disability, or  
disfigurement.

113

827.04(3)

3rd

Impregnation of a child under 16  
years of age by person 21 years of  
age or older.

114

837.05(2)

3rd

Giving false information about  
alleged capital felony to a law  
enforcement officer.

115

838.015

2nd

Bribery.

116

838.016

2nd

Unlawful compensation or reward for  
official behavior.

117

838.021(3)(a)

2nd

Unlawful harm to a public servant.

118

838.22

2nd

Bid tampering.

119

872.06

2nd

Abuse of a dead human body.

120

893.13(1)(c)1.

1st

Sell, manufacture, or deliver cocaine  
(or other drug prohibited under s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4.) within 1,000  
feet of a child care facility,

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school, or state, county, or  
municipal park or publicly owned  
recreational facility or community  
center.

121 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine  
or other drug prohibited under s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4., within 1,000  
feet of property used for religious  
services or a specified business  
site.

122 893.13(4)(a) 1st Deliver to minor cocaine (or other s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4. drugs).

123 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25  
lbs., less than 2,000 lbs.

124 893.135(1)(b)1.a. 1st Trafficking in cocaine, more than 28  
grams, less than 200 grams.

125 893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more  
than 4 grams, less than 14 grams.

126 893.135(1)(d)1. 1st Trafficking in phencyclidine, more  
than 28 grams, less than 200 grams.

127 893.135(1)(e)1. 1st Trafficking in methaqualone, more  
than 200 grams, less than 5

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kilograms.

128

893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

129

893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

130

893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

131

893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

132

893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

133

896.101(5)(a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

134

896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

135

Section 3. For the purpose of incorporating the amendment to section 782.08, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 790.065, Florida Statutes, is reenacted to read:

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139 790.065 Sale and delivery of firearms.--

140 (2) Upon receipt of a request for a criminal history  
 141 record check, the Department of Law Enforcement shall, during  
 142 the licensee's call or by return call, forthwith:

143 (c)1. Review any records available to it to determine  
 144 whether the potential buyer or transferee has been indicted or  
 145 has had an information filed against her or him for an offense  
 146 that is a felony under either state or federal law, or, as  
 147 mandated by federal law, has had an injunction for protection  
 148 against domestic violence entered against the potential buyer or  
 149 transferee under s. 741.30, has had an injunction for protection  
 150 against repeat violence entered against the potential buyer or  
 151 transferee under s. 784.046, or has been arrested for a  
 152 dangerous crime as specified in s. 907.041(4)(a) or for any of  
 153 the following enumerated offenses:

- 154 a. Criminal anarchy under ss. 876.01 and 876.02.
- 155 b. Extortion under s. 836.05.
- 156 c. Explosives violations under s. 552.22(1) and (2).
- 157 d. Controlled substances violations under chapter 893.
- 158 e. Resisting an officer with violence under s. 843.01.
- 159 f. Weapons and firearms violations under this chapter.
- 160 g. Treason under s. 876.32.
- 161 h. Assisting self-murder under s. 782.08.
- 162 i. Sabotage under s. 876.38.
- 163 j. Stalking or aggravated stalking under s. 784.048.

164  
 165 If the review indicates any such indictment, information, or  
 166 arrest, the department shall provide to the licensee a  
 167 conditional nonapproval number.

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168           2. Within 24 working hours, the department shall determine  
 169 the disposition of the indictment, information, or arrest and  
 170 inform the licensee as to whether the potential buyer is  
 171 prohibited from receiving or possessing a firearm. For purposes  
 172 of this paragraph, "working hours" means the hours from 8 a.m.  
 173 to 5 p.m. Monday through Friday, excluding legal holidays.

174           3. The office of the clerk of court, at no charge to the  
 175 department, shall respond to any department request for data on  
 176 the disposition of the indictment, information, or arrest as  
 177 soon as possible, but in no event later than 8 working hours.

178           4. The department shall determine as quickly as possible  
 179 within the allotted time period whether the potential buyer is  
 180 prohibited from receiving or possessing a firearm.

181           5. If the potential buyer is not so prohibited, or if the  
 182 department cannot determine the disposition information within  
 183 the allotted time period, the department shall provide the  
 184 licensee with a conditional approval number.

185           6. If the buyer is so prohibited, the conditional  
 186 nonapproval number shall become a nonapproval number.

187           7. The department shall continue its attempts to obtain  
 188 the disposition information and may retain a record of all  
 189 approval numbers granted without sufficient disposition  
 190 information. If the department later obtains disposition  
 191 information which indicates:

192           a. That the potential buyer is not prohibited from owning  
 193 a firearm, it shall treat the record of the transaction in  
 194 accordance with this section; or

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195           b. That the potential buyer is prohibited from owning a  
196 firearm, it shall immediately revoke the conditional approval  
197 number and notify local law enforcement.

198           8. During the time that disposition of the indictment,  
199 information, or arrest is pending and until the department is  
200 notified by the potential buyer that there has been a final  
201 disposition of the indictment, information, or arrest, the  
202 conditional nonapproval number shall remain in effect.

203           Section 4. This act shall take effect July 1, 2004.