

By Senator Crist

12-1809-04

1                                   A bill to be entitled  
2           An act relating to possession of ammunition;  
3           amending s. 790.23, F.S.; providing that  
4           possession of ammunition by a convicted felon  
5           or juvenile delinquent is a second-degree  
6           felony; amending s. 790.235, F.S.; providing  
7           that possession of ammunition by a violent  
8           career criminal is a first-degree felony;  
9           providing for a mandatory minimum sentence;  
10          providing an exemption for a person whose civil  
11          rights and firearm authority have been  
12          restored; amending s. 921.0022, F.S., relating  
13          to the offense severity ranking chart of the  
14          Criminal Punishment Code; conforming provisions  
15          to changes made by the act; providing an  
16          effective date.

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

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20           Section 1. Section 790.23, Florida Statutes, is  
21 amended to read:

22           790.23 Felons and delinquents; possession of firearms,  
23 ammunition, or electric weapons or devices unlawful.--

24           (1) It is unlawful for any person to own or to have in  
25 his or her care, custody, possession, or control any firearm,  
26 ammunition, or electric weapon or device, or to carry a  
27 concealed weapon, including a tear gas gun or chemical weapon  
28 or device, if that person has been:

29           (a) Convicted of a felony in the courts of this state;

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1 (b) Found, in the courts of this state, to have  
2 committed a delinquent act that would be a felony if committed  
3 by an adult and such person is under 24 years of age.

4 (c) Convicted of or found to have committed a crime  
5 against the United States which is designated as a felony;

6 (d) Found to have committed a delinquent act in  
7 another state, territory, or country that would be a felony if  
8 committed by an adult and which was punishable by imprisonment  
9 for a term exceeding 1 year and such person is under 24 years  
10 of age; or

11 (e) Found guilty of an offense that is a felony in  
12 another state, territory, or country and which was punishable  
13 by imprisonment for a term exceeding 1 year.

14 (2) This section shall not apply to a person convicted  
15 of a felony whose civil rights and firearm authority have been  
16 restored.

17 (3) Any person who violates this section commits a  
18 felony of the second degree, punishable as provided in s.  
19 775.082, s. 775.083, or s. 775.084.

20 Section 2. Section 790.235, Florida Statutes, is  
21 amended to read:

22 790.235 Possession of firearm or ammunition by violent  
23 career criminal unlawful; penalty.--

24 (1) Any person who meets the violent career criminal  
25 criteria under s. 775.084(1)(d), regardless of whether such  
26 person is or has previously been sentenced as a violent career  
27 criminal, who owns or has in his or her care, custody,  
28 possession, or control any firearm, ammunition, or electric  
29 weapon or device, or carries a concealed weapon, including a  
30 tear gas gun or chemical weapon or device, commits a felony of  
31 the first degree, punishable as provided in s. 775.082, s.

1 775.083, or s. 775.084. A person convicted of a violation of  
2 this section shall be sentenced to a mandatory minimum of 15  
3 years' imprisonment; however, if the person would be sentenced  
4 to a longer term of imprisonment under s. 775.084(4)(d), the  
5 person must be sentenced under that provision. A person  
6 convicted of a violation of this section is not eligible for  
7 any form of discretionary early release, other than pardon,  
8 executive clemency, or conditional medical release under s.  
9 947.149.

10 (2) For purposes of this section, the previous felony  
11 convictions necessary to meet the violent career criminal  
12 criteria under s. 775.084(1)(d) may be convictions for  
13 felonies committed as an adult or adjudications of delinquency  
14 for felonies committed as a juvenile. In order to be counted  
15 as a prior felony for purposes of this section, the felony  
16 must have resulted in a conviction sentenced separately, or an  
17 adjudication of delinquency entered separately, prior to the  
18 current offense, and sentenced or adjudicated separately from  
19 any other felony that is to be counted as a prior felony.

20 (3) This section shall not apply to a person whose  
21 civil rights and firearm authority have been restored.

22 Section 3. Paragraph (e) of subsection (3) of section  
23 921.0022, Florida Statutes, is amended to read:

24 921.0022 Criminal Punishment Code; offense severity  
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

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28 Florida	Felony	
29 Statute	Degree	Description

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1			(e) LEVEL 5
2	316.027(1)(a)	3rd	Accidents involving personal
3			injuries, failure to stop;
4			leaving scene.
5	316.1935(4)	2nd	Aggravated fleeing or eluding.
6	322.34(6)	3rd	Careless operation of motor
7			vehicle with suspended license,
8			resulting in death or serious
9			bodily injury.
10	327.30(5)	3rd	Vessel accidents involving
11			personal injury; leaving scene.
12	381.0041		
13	(11)(b)	3rd	Donate blood, plasma, or organs
14			knowing HIV positive.
15	440.10(1)(g)	2nd	Failure to obtain workers'
16			compensation coverage.
17	440.105(5)	2nd	Unlawful solicitation for the
18			purpose of making workers'
19			compensation claims.
20	440.381(2)	2nd	Submission of false, misleading,
21			or incomplete information with
22			the purpose of avoiding or
23			reducing workers' compensation
24			premiums.
25	624.401(4)(b)2.	2nd	Transacting insurance without a
26			certificate or authority; premium
27			collected \$20,000 or more but
28			less than \$100,000.
29	626.902(1)(c)	2nd	Representing an unauthorized
30			insurer; repeat offender.
31	790.01(2)	3rd	Carrying a concealed firearm.

1	790.162	2nd	Threat to throw or discharge
2			destructive device.
3	790.163(1)	2nd	False report of deadly explosive
4			or weapon of mass destruction.
5	790.221(1)	2nd	Possession of short-barreled
6			shotgun or machine gun.
7	790.23	2nd	Felons in possession of firearms,
8			<u>ammunition</u> , or electronic weapons
9			or devices.
10	800.04(6)(c)	3rd	Lewd or lascivious conduct;
11			offender less than 18 years.
12	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
13			offender 18 years or older.
14	806.111(1)	3rd	Possess, manufacture, or dispense
15			fire bomb with intent to damage
16			any structure or property.
17	812.0145(2)(b)	2nd	Theft from person 65 years of age
18			or older; \$10,000 or more but
19			less than \$50,000.
20	812.015(8)	3rd	Retail theft; property stolen is
21			valued at \$300 or more and one or
22			more specified acts.
23	812.019(1)	2nd	Stolen property; dealing in or
24			trafficking in.
25	812.131(2)(b)	3rd	Robbery by sudden snatching.
26	812.16(2)	3rd	Owning, operating, or conducting
27			a chop shop.
28	817.034(4)(a)2.	2nd	Communications fraud, value
29			\$20,000 to \$50,000.
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1	817.234(11)(b)	2nd	Insurance fraud; property value
2			\$20,000 or more but less than
3			\$100,000.
4	817.2341(1),		
5	(2)(a)&(3)(a)	3rd	Filing false financial
6			statements, making false entries
7			of material fact or false
8			statements regarding property
9			values relating to the solvency
10			of an insuring entity.
11	817.568(2)(b)	2nd	Fraudulent use of personal
12			identification information; value
13			of benefit, services received,
14			payment avoided, or amount of
15			injury or fraud, \$5,000 or more
16			or use of personal identification
17			information of 10 or more
18			individuals.
19	817.625(2)(b)	2nd	Second or subsequent fraudulent
20			use of scanning device or
21			reencoder.
22	825.1025(4)	3rd	Lewd or lascivious exhibition in
23			the presence of an elderly person
24			or disabled adult.
25	827.071(4)	2nd	Possess with intent to promote
26			any photographic material, motion
27			picture, etc., which includes
28			sexual conduct by a child.
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1	839.13(2)(b)	2nd	Falsifying records of an
2			individual in the care and
3			custody of a state agency
4			involving great bodily harm or
5			death.
6	843.01	3rd	Resist officer with violence to
7			person; resist arrest with
8			violence.
9	874.05(2)	2nd	Encouraging or recruiting another
10			to join a criminal street gang;
11			second or subsequent offense.
12	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
13			cocaine (or other s.
14			893.03(1)(a), (1)(b), (1)(d),
15			(2)(a), (2)(b), or (2)(c)4.
16			drugs).
17	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
18			cannabis (or other s.
19			893.03(1)(c), (2)(c)1., (2)(c)2.,
20			(2)(c)3., (2)(c)5., (2)(c)6.,
21			(2)(c)7., (2)(c)8., (2)(c)9.,
22			(3), or (4) drugs) within 1,000
23			feet of a child care facility,
24			school, or state, county, or
25			municipal park or publicly owned
26			recreational facility or
27			community center.
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1 893.13(1)(d)1. 1st Sell, manufacture, or deliver  
2 cocaine (or other s.  
3 893.03(1)(a), (1)(b), (1)(d),  
4 (2)(a), (2)(b), or (2)(c)4.  
5 drugs) within 1,000 feet of  
6 university.  
7 893.13(1)(e)2. 2nd Sell, manufacture, or deliver  
8 cannabis or other drug prohibited  
9 under s. 893.03(1)(c), (2)(c)1.,  
10 (2)(c)2., (2)(c)3., (2)(c)5.,  
11 (2)(c)6., (2)(c)7., (2)(c)8.,  
12 (2)(c)9., (3), or (4) within  
13 1,000 feet of property used for  
14 religious services or a specified  
15 business site.  
16 893.13(1)(f)1. 1st Sell, manufacture, or deliver  
17 cocaine (or other s.  
18 893.03(1)(a), (1)(b), (1)(d), or  
19 (2)(a), (2)(b), or (2)(c)4.  
20 drugs) within 1,000 feet of  
21 public housing facility.  
22 893.13(4)(b) 2nd Deliver to minor cannabis (or  
23 other s. 893.03(1)(c), (2)(c)1.,  
24 (2)(c)2., (2)(c)3., (2)(c)5.,  
25 (2)(c)6., (2)(c)7., (2)(c)8.,  
26 (2)(c)9., (3), or (4) drugs).  
27 Section 4. This act shall take effect July 1, 2004.  
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SENATE SUMMARY

Makes possession of ammunition by a convicted felon or juvenile delinquent a second-degree felony. Makes possession of ammunition by a violent career criminal a first-degree felony. Imposes a mandatory minimum sentence. Exempts a person whose civil rights and firearm authority have been restored from the prohibition against possessing ammunition.