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A bill to be entitled

An act relating to possession of ammunition by felons and delinquents; amending s. 790.001, F.S.; providing a definition of the term "ammunition"; amending s. 790.23, F.S.; including ammunition among the specified items for which possession by a felon or delinquent constitutes a felony of the second degree; providing penalties; amending s. 790.235, F.S.; including ammunition among the specified items for which possession by a violent career criminal subjects such criminal to a mandatory minimum prison sentence; providing penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart, to conform; reenacting s. 790.01(5), F.S., relating to carrying concealed weapons, to incorporate the amendments to ss. 790.23 and 790.235, F.S., in references thereto; providing applicability; providing an effective date.

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

Section 1. Subsection (19) is added to section 790.001, Florida Statutes, to read:

790.001 Definitions.--As used in this chapter, except where the context otherwise requires:

(19) "Ammunition" means an object consisting of all of the following:

(a) A fixed metallic or nonmetallic hull or casing containing a primer.

(b) One or more projectiles, one or more bullets, or shot.

(c) Gunpowder.

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All of the specified components must be present for an object to be ammunition.

Section 2. Section 790.23, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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58 (3) Any person who violates this section commits a felony
 59 of the second degree, punishable as provided in s. 775.082, s.
 60 775.083, or s. 775.084.

61 Section 3. Section 790.235, Florida Statutes, is amended
 62 to read:

63 790.235 Possession of firearm or ammunition by violent
 64 career criminal unlawful; penalty.--

65 (1) Any person who meets the violent career criminal
 66 criteria under s. 775.084(1)(d), regardless of whether such
 67 person is or has previously been sentenced as a violent career
 68 criminal, who owns or has in his or her care, custody,
 69 possession, or control any firearm, ammunition, or electric
 70 weapon or device, or carries a concealed weapon, including a
 71 tear gas gun or chemical weapon or device, commits a felony of
 72 the first degree, punishable as provided in s. 775.082, s.
 73 775.083, or s. 775.084. A person convicted of a violation of
 74 this section shall be sentenced to a mandatory minimum of 15
 75 years' imprisonment; however, if the person would be sentenced
 76 to a longer term of imprisonment under s. 775.084(4)(d), the
 77 person must be sentenced under that provision. A person
 78 convicted of a violation of this section is not eligible for any
 79 form of discretionary early release, other than pardon,
 80 executive clemency, or conditional medical release under s.
 81 947.149.

82 (2) For purposes of this section, the previous felony
 83 convictions necessary to meet the violent career criminal
 84 criteria under s. 775.084(1)(d) may be convictions for felonies
 85 committed as an adult or adjudications of delinquency for
 86 felonies committed as a juvenile. In order to be counted as a

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87 prior felony for purposes of this section, the felony must have
 88 resulted in a conviction sentenced separately, or an
 89 adjudication of delinquency entered separately, prior to the
 90 current offense, and sentenced or adjudicated separately from
 91 any other felony that is to be counted as a prior felony.

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

94 Section 4. Paragraph (e) of subsection (3) of section
 95 921.0022, Florida Statutes, is amended to read:

96 921.0022 Criminal Punishment Code; offense severity
 97 ranking chart.--

98 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(e) LEVEL 5
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.

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105	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
106	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
107	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
108	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
109	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
110	790.01(2)	3rd	Carrying a concealed firearm.
111	790.162	2nd	Threat to throw or discharge destructive device.
112	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
113	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
114	790.23	2nd	Felons in possession of firearms, <u>l</u>

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ammunition, or electronic weapons or devices.

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800.04(6)(c) 3rd Lewd or lascivious conduct; offender less than 18 years.

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800.04(7)(c) 2nd Lewd or lascivious exhibition; offender 18 years or older.

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806.111(1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

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812.0145(2)(b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

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812.015(8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

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812.019(1) 2nd Stolen property; dealing in or trafficking in.

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812.131(2)(b) 3rd Robbery by sudden snatching.

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812.16(2) 3rd Owning, operating, or conducting a chop shop.

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817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.

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125	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
126	817.2341(1),(2)(a)&(3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
127	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
128	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
129	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
130	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
130	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency

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involving great bodily harm or death.

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843.01 3rd Resist officer with violence to person;
resist arrest with violence.

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874.05(2) 2nd Encouraging or recruiting another to
join a criminal street gang; second or
subsequent offense.

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893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs).

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893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis
(or other s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9., (3), or
(4) drugs) within 1,000 feet of a child
care facility, school, or state,
county, or municipal park or publicly
owned recreational facility or
community center.

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893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of university.

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893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis
or other drug prohibited under s.

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893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3), or (4) within
 1,000 feet of property used for
 religious services or a specified
 business site.

137 893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine
 (or other s. 893.03(1)(a), (1)(b),
 (1)(d), or (2)(a), (2)(b), or (2)(c)4.
 drugs) within 1,000 feet of public
 housing facility.

138 893.13(4)(b) 2nd Deliver to minor cannabis (or other s.
 893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3), or (4) drugs).

139
 140 Section 5. For the purpose of incorporating the amendments
 141 to sections 790.23 and 790.235, Florida Statutes, in references
 142 thereto, subsection (5) of section 790.01, Florida Statutes, is
 143 reenacted to read:

144 790.01 Carrying concealed weapons.--

145 (5) This section does not preclude any prosecution for the
 146 use of an electric weapon or device or remote stun gun or self-
 147 defense chemical spray during the commission of any criminal
 148 offense under s. 790.07, s. 790.10, s. 790.23, or s. 790.235, or
 149 for any other criminal offense.

150 Section 6. This act shall take effect October 1, 2004, and
 151 shall apply to offenses committed on or after that date.