

By Senator Rich

34-858-05

1 A bill to be entitled
2 An act relating to theft of property; amending
3 s. 812.13, F.S.; redefining the term "robbery"
4 to include the unlawful endeavoring to take
5 property; providing that if an offender
6 threatens to use a weapon or firearm during the
7 course of a robbery, the offender commits a
8 felony of the first degree; providing for
9 penalties; amending ss. 812.131 and 812.133,
10 F.S.; redefining the terms "robbery by sudden
11 snatching" and "carjacking" to include the
12 unlawful endeavoring to take property;
13 providing an effective date.

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

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17 Section 1. Section 812.13, Florida Statutes, is
18 amended to read:

19 812.13 Robbery.--

20 (1) "Robbery" means the taking of or endeavoring to
21 take money or other property ~~that which~~ may be the subject of
22 larceny from the person or custody of another, with intent to
23 either permanently or temporarily deprive the person or the
24 owner of the money or other property, when in the course of
25 the taking or endeavoring to take there is the use of force,
26 violence, assault, or putting in fear.

27 (2)(a) If in the course of committing the robbery the
28 offender carried a firearm or other deadly weapon, then the
29 robbery is a felony of the first degree, punishable by
30 imprisonment for a term of years not exceeding life
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1 | imprisonment or as provided in s. 775.082, s. 775.083, or s.
2 | 775.084.

3 | (b) If in the course of committing the robbery the
4 | offender carried a weapon, or threatened to use a weapon or
5 | firearm, then the robbery is a felony of the first degree,
6 | punishable as provided in s. 775.082, s. 775.083, or s.
7 | 775.084.

8 | (c) If in the course of committing the robbery the
9 | offender carried no firearm, deadly weapon, or other weapon,
10 | or did not threaten to use any weapon or firearm, then the
11 | robbery is a felony of the second degree, punishable as
12 | provided in s. 775.082, s. 775.083, or s. 775.084.

13 | (3)(a) An act shall be deemed "in the course of
14 | committing the robbery" if it occurs in an attempt to commit
15 | robbery or in flight after the attempt or commission.

16 | (b) An act shall be deemed "in the course of the
17 | taking or endeavoring to take" if it occurs before either
18 | ~~prior to~~, contemporaneous with, or after ~~subsequent to~~ the
19 | taking of or endeavoring to take the property and if it and
20 | the act of taking or endeavoring to take constitute a
21 | continuous series of acts or events.

22 | Section 2. Subsections (1) and (3) of section 812.131,
23 | Florida Statutes, are amended to read:

24 | 812.131 Robbery by sudden snatching.--

25 | (1) "Robbery by sudden snatching" means the taking of
26 | or endeavoring to take money or other property from the
27 | victim's person, with intent to permanently or temporarily
28 | deprive the victim or the owner of the money or other
29 | property, when, in the course of the taking of or endeavoring
30 | to take, the victim was or became aware of the taking or
31 |

1 endeavoring to take. In order to satisfy this definition, it
2 is not necessary to show that:

3 (a) The offender used any amount of force beyond that
4 effort necessary to obtain possession of the money or other
5 property; or

6 (b) There was any resistance offered by the victim to
7 the offender or that there was injury to the victim's person.

8 (3)(a) An act shall be deemed "in the course of
9 committing a robbery by sudden snatching" if the act occurs in
10 an attempt to commit robbery by sudden snatching or in fleeing
11 after the attempt or commission.

12 (b) An act shall be deemed "in the course of the
13 taking or endeavoring to take" if the act occurs before ~~prior~~
14 ~~to~~, contemporaneous with, or after ~~subsequent to~~ the taking of
15 or endeavoring to take the property and if the ~~such~~ act and
16 the act of taking or endeavoring to take constitute a
17 continuous series of acts or events.

18 Section 3. Subsections (1) and (3) of section 812.133,
19 Florida Statutes, are amended to read:

20 812.133 Carjacking.--

21 (1) "Carjacking" means the taking of or endeavoring to
22 take a motor vehicle that ~~which~~ may be the subject of larceny
23 from the person or custody of another, with intent to either
24 permanently or temporarily deprive the person or the owner of
25 the motor vehicle, when in the course of the taking or
26 endeavoring to take there is the use of force, violence,
27 assault, or putting in fear.

28 (3)(a) An act shall be deemed "in the course of
29 committing the carjacking" if it occurs in an attempt to
30 commit carjacking or in flight after the attempt or
31 commission.

1 (b) An act shall be deemed "in the course of the
2 taking or endeavoring to take" if it occurs before ~~either~~
3 ~~prior to~~, contemporaneous with, or after ~~subsequent to~~ the
4 taking of or endeavoring to take the property and if it and
5 the act of taking or endeavoring to take constitute a
6 continuous series of acts or events.

7 Section 4. This act shall take effect July 1, 2005.

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10 SENATE SUMMARY

11 Revises the definition of the terms "robbery," "robbery
12 by sudden snatching," and "carjacking" to include the
13 unlawful endeavoring to take property. Provides that if
14 an offender threatens to use a weapon or firearm during
15 the course of a robbery, the offender commits a felony of
16 the first degree. Provides criminal penalties.
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