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A bill to be entitled
 An act relating to vehicular accidents involving death or personal injuries; providing a popular name; amending s. 316.027, F.S.; requiring a court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of an accident that results in death; requiring a court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring a court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; requiring that victim injury points be assessed against an offender convicted of leaving the scene of an accident that results in injury or death; providing an effective date.

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

Section 1. Sections 316.027 and 316.193, Florida Statutes, may be cited as the "Adam Arnold Act."

Section 2. Section 316.027, Florida Statutes, is amended to read:

29 316.027 Crash involving death or personal injuries.--

30 (1)(a) The driver of any vehicle involved in a crash
 31 resulting in injury of any person must immediately stop the
 32 vehicle at the scene of the crash, or as close thereto as
 33 possible, and must remain at the scene of the crash until he or
 34 she has fulfilled the requirements of s. 316.062. Any person who
 35 willfully violates this paragraph commits ~~is guilty of~~ a felony
 36 of the third degree, punishable as provided in s. 775.082, s.
 37 775.083, or s. 775.084.

38 (b) The driver of any vehicle involved in a crash
 39 resulting in the death of any person must immediately stop the
 40 vehicle at the scene of the crash, or as close thereto as
 41 possible, and must remain at the scene of the crash until he or
 42 she has fulfilled the requirements of s. 316.062. Any person who
 43 willfully violates this paragraph commits ~~is guilty of~~ a felony
 44 of the second degree, punishable as provided in s. 775.082, s.
 45 775.083, or s. 775.084. Any person who willfully violates this
 46 paragraph while driving under the influence as set forth in s.
 47 316.193(1) shall be sentenced to a mandatory minimum term of
 48 imprisonment of 2 years.

49 (c) Notwithstanding s. 775.089(1)(a), if the driver of a
 50 vehicle violates paragraph (a) or paragraph (b), the court shall
 51 order the driver to make restitution to the victim for any
 52 damage or loss unless the court finds clear and compelling
 53 reasons not to order the restitution. Restitution may be
 54 monetary or nonmonetary restitution. The court shall make the
 55 payment of restitution a condition of probation in accordance
 56 with s. 948.03. An order requiring the defendant to make

57 restitution to a victim does not remove or diminish the
 58 requirement that the court order payment to the Crimes
 59 Compensation Trust Fund pursuant to chapter 960. Payment of an
 60 award by the Crimes Compensation Trust Fund creates an order of
 61 restitution to the Crimes Compensation Trust Fund, unless
 62 specifically waived in accordance with s. 775.089(1)(b).

63 (2) The department shall revoke the driver's license of
 64 the person so convicted.

65 (3) Every stop must be made without obstructing traffic
 66 more than is necessary, and, if a damaged vehicle is obstructing
 67 traffic, the driver of the vehicle must make every reasonable
 68 effort to move the vehicle or have it moved so as not to
 69 obstruct the regular flow of traffic. Any person who fails to
 70 comply with this subsection shall be cited for a nonmoving
 71 violation, punishable as provided in chapter 318.

72 (4) A person whose commission of a noncriminal traffic
 73 infraction or any violation of this chapter or s. 1006.66 causes
 74 or results in the death of another person may, in addition to
 75 any other civil, criminal, or administrative penalty imposed, be
 76 required by the court to serve 120 community service hours in a
 77 trauma center or hospital that regularly receives victims of
 78 vehicle accidents, under the supervision of a registered nurse,
 79 an emergency room physician, or an emergency medical technician
 80 pursuant to a voluntary community service program operated by
 81 the trauma center or hospital.

82 Section 3. Subsection (3) of section 316.193, Florida
 83 Statutes, is amended to read:

84 316.193 Driving under the influence; penalties.--

85 (3) Any person:
 86 (a) Who is in violation of subsection (1);
 87 (b) Who operates a vehicle; and
 88 (c) Who, by reason of such operation, causes or
 89 contributes to causing:

90 1. Damage to the property or person of another commits a
 91 misdemeanor of the first degree, punishable as provided in s.
 92 775.082 or s. 775.083.

93 2. Serious bodily injury to another, as defined in s.
 94 316.1933, commits a felony of the third degree, punishable as
 95 provided in s. 775.082, s. 775.083, or s. 775.084.

96 3. The death of any human being commits DUI manslaughter,
 97 and commits:

98 a. A felony of the second degree, punishable as provided
 99 in s. 775.082, s. 775.083, or s. 775.084.

100 b. A felony of the first degree, punishable as provided in
 101 s. 775.082, s. 775.083, or s. 775.084, if:

102 (I) At the time of the crash, the person knew, or should
 103 have known, that the crash occurred; and

104 (II) The person failed to give information and render aid
 105 as required by s. 316.062.

106
 107 A person who is convicted of DUI manslaughter shall be sentenced
 108 to a mandatory minimum term of imprisonment of 4 years.

109 Section 4. Subsection (7) of section 921.0021, Florida
 110 Statutes, is amended to read:

111 921.0021 Definitions.--As used in this chapter, for any
 112 felony offense, except any capital felony, committed on or after

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113 October 1, 1998, the term:

114 (7)(a) "Victim injury" means the physical injury or death
115 suffered by a person as a direct result of the primary offense,
116 or any additional offense, for which an offender is convicted
117 and which is pending before the court for sentencing at the time
118 of the primary offense.

119 (b) Except as provided in paragraph (c) or paragraph (d),

120 1. If the conviction is for an offense involving sexual
121 contact that includes sexual penetration, the sexual penetration
122 must be scored in accordance with the sentence points provided
123 under s. 921.0024 for sexual penetration, regardless of whether
124 there is evidence of any physical injury.

125 2. If the conviction is for an offense involving sexual
126 contact that does not include sexual penetration, the sexual
127 contact must be scored in accordance with the sentence points
128 provided under s. 921.0024 for sexual contact, regardless of
129 whether there is evidence of any physical injury.

130
131 If the victim of an offense involving sexual contact suffers any
132 physical injury as a direct result of the primary offense or any
133 additional offense committed by the offender resulting in
134 conviction, such physical injury must be scored separately and
135 in addition to the points scored for the sexual contact or the
136 sexual penetration.

137 (c) The sentence points provided under s. 921.0024 for
138 sexual contact or sexual penetration may not be assessed for a
139 violation of s. 944.35(3)(b)2.

140 (d) If the conviction is for the offense described in s.

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141 872.06, the sentence points provided under s. 921.0024 for
142 sexual contact or sexual penetration may not be assessed.

143 (e) Notwithstanding paragraph (a), if the conviction is
144 for an offense described in s. 316.027, the sentence points
145 provided under s. 921.0024 for victim injury shall be assessed
146 against the offender.

147 Section 5. This act shall take effect July 1, 2005.