

Bill No. SB 282

Barcode 344926

CHAMBER ACTION

Senate

House

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The Committee on Domestic Security (Dockery) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 2, line 8, through  
page 3, line 5, delete those lines

and insert:

However, if the burglary is committed within an area that is subject to a state of emergency declared by the Governor under chapter 252, the burglary is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person arrested for committing a burglary within an area that is subject to a state of emergency declared by the Governor under chapter 252 may not be released until the person appears before a committing magistrate at a first-appearance hearing. For purposes of sentencing under chapter 921 and determining eligibility for incentive gain-time under chapter 944, a felony offense that is reclassified under this subsection is ranked one level above

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1 the ranking under s. 921.0022 or s. 921.0023 of the offense  
2 committed.

3 (4) Burglary is a felony of the third degree,  
4 punishable as provided in s. 775.082, s. 775.083, or s.  
5 775.084, if, in the course of committing the offense, the  
6 offender does not make an assault or battery and is not and  
7 does not become armed with a dangerous weapon or explosive,  
8 and the offender enters or remains in a:

9 (a) Structure, and there is not another person in the  
10 structure at the time the offender enters or remains; or

11 (b) Conveyance, and there is not another person in the  
12 conveyance at the time the offender enters or remains.

13  
14 However, if the burglary is committed within an area that is  
15 subject to a state of emergency declared by the Governor under  
16 chapter 252, the burglary is a felony of the second degree,  
17 punishable as provided in s. 775.082, s. 775.083, or s.  
18 775.084. A person arrested for committing a burglary within an  
19 area that is subject to a state of emergency declared by the  
20 Governor under chapter 252 may not be released until the  
21 person appears before a committing magistrate at a  
22 first-appearance hearing. For purposes of sentencing under  
23 chapter 921 and determining eligibility for incentive  
24 gain-time under chapter 944, a felony offense that is  
25 reclassified under this subsection is ranked one level above  
26 the ranking under s. 921.0022 or s. 921.0023 of the offense  
27 committed.

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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On page 1, line 6, after the semicolon,  
  
insert:  
  
providing that a person arrested for committing  
a burglary during a state of emergency may not  
be released until that person appears before a  
magistrate at a first-appearance hearing;