

Bill No. SB 282

Barcode 520966

CHAMBER ACTION

Senate

House

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The Committee on Domestic Security (Dockery) recommended the following **substitute for amendment** (344926):

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, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

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

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

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

11
 12 However, if the burglary is committed within an area that is
 13 subject to a state of emergency declared by the Governor under
 14 chapter 252, the burglary is a felony of the second degree,
 15 punishable as provided in s. 775.082, s. 775.083, or s.
 16 775.084. A person arrested for committing a burglary within an
 17 area that is subject to a state of emergency declared by the
 18 Governor under chapter 252 may not be released until the
 19 person appears before a committing magistrate at a
 20 first-appearance hearing. For purposes of sentencing under
 21 chapter 921, a felony offense that is reclassified under this
 22 subsection is ranked one level above the ranking under s.
 23 921.0022 or s. 921.0023 of the offense committed.

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

27 And the title is amended as follows:

28 On page 1, line 6, after the semicolon,

30 insert:

31 providing that a person arrested for committing

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a burglary during a state of emergency may not
be released until that person appears before a
magistrate at a first-appearance hearing;