

By Senator Fasano

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A bill to be entitled
An act relating to criminal offenses; providing
a short title; creating s. 775.0847, F.S.;
providing for the reclassification of felonies
committed against the elderly or disabled;
amending s. 784.08, F.S.; providing for the
reclassification of misdemeanors committed
against persons 65 years of age or older;
amending s. 812.0145, F.S.; providing for a
mandatory term of imprisonment for certain
thefts against persons 65 years of age or
older; amending s. 825.103, F.S.; providing for
a mandatory term of imprisonment for certain
acts of exploitation against an elderly person
or disabled adult; amending ss. 775.0877 and
921.0022, F.S., relating to orders for HIV
testing for certain offenses and the sentencing
guidelines; revising an offense description and
conforming cross-references to changes made by
the act; providing an effective date.

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

Section 1. This act may be cited as "The Seniors' Safety Act."

Section 2. Section 775.0847, Florida Statutes, is created to read:

775.0847 Felonies committed against the elderly or disabled; reclassification of offenses.--Whenever a person is charged with committing a felony offense upon a person 65 years of age or older or an elderly person or disabled adult

1 as defined in chapter 825, regardless of whether the person
2 charged knew or had reason to know the age, infirmity, or
3 disability of the victim, the offense for which the person is
4 charged shall be reclassified as follows:

5 (1) In the case of a felony of the third degree, the
6 offense is reclassified to a felony of the second degree.

7 (2) In the case of a felony of the second degree, the
8 offense is reclassified to a felony of the first degree.

9 (3) In the case of a felony of the first degree, the
10 offense is reclassified to a felony of the first degree,
11 punishable by life imprisonment.

12 Section 3. Subsection (2) of section 784.08, Florida
13 Statutes, is amended to read:

14 784.08 Assault or battery on persons 65 years of age
15 or older; reclassification of offenses; minimum sentence.--

16 (2) Whenever a person is charged with committing an
17 assault ~~or aggravated assault~~ or a battery ~~or aggravated~~
18 ~~battery~~ upon a person 65 years of age or older, regardless of
19 whether the person charged knew he or she knows or had has
20 reason to know the age of the victim, the offense for which
21 the person is charged shall be reclassified as follows:

22 ~~(a) In the case of aggravated battery, from a felony~~
23 ~~of the second degree to a felony of the first degree.~~

24 ~~(b) In the case of aggravated assault, from a felony~~
25 ~~of the third degree to a felony of the second degree.~~

26 ~~(a)(c)~~ In the case of battery, from a misdemeanor of
27 the first degree to a felony of the third degree.

28 ~~(b)(d)~~ In the case of assault, from a misdemeanor of
29 the second degree to a misdemeanor of the first degree.

30 Section 4. Section 812.0145, Florida Statutes, is
31 amended to read:

1 812.0145 Theft from persons 65 years of age or older;
2 ~~penalties reclassification of offenses.--~~

3 (1) A person who is convicted of theft of more than
4 \$1,000 from a person 65 years of age or older shall be ordered
5 by the sentencing judge to make restitution to the victim of
6 such offense and to perform up to 500 hours of community
7 service work. Restitution and community service work shall be
8 in addition to any fine or sentence which may be imposed and
9 shall not be in lieu thereof.

10 (2) Notwithstanding any other law, if the funds,
11 assets, or property involved in a theft from a person 65 years
12 of age or older is valued at \$10,000 or more, the court shall
13 sentence the offender to a mandatory minimum term of
14 imprisonment of 3 years. However, the mandatory term of
15 imprisonment does not apply to the theft of one or more motor
16 vehicles, regardless of associated value. Whenever a person is
17 charged with committing theft from a person 65 years of age or
18 older, when he or she knows or has reason to believe that the
19 victim was 65 years of age or older, the offense for which the
20 person is charged shall be reclassified as follows:

21 (a) This subsection does not prevent a court from
22 imposing a greater sentence of incarceration as authorized by
23 law. If the funds, assets, or property involved in the theft
24 from a person 65 years of age or older is valued at \$50,000 or
25 more, the offender commits a felony of the first degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 (b) If the minimum mandatory term of imprisonment
29 imposed under this section exceeds the maximum sentence
30 authorized by s. 775.082, s. 775.084, or the Criminal
31 Punishment Code under chapter 921, the mandatory minimum

1 sentence must be imposed. If the mandatory minimum term of
2 imprisonment under this section is less than the sentence
3 authorized by s. 775.082, s. 775.084, or the Criminal
4 Punishment Code under chapter 921, the sentence imposed by the
5 court must include the mandatory minimum term of imprisonment
6 required in this subsection. ~~If the funds, assets, or property~~
7 ~~involved in the theft from a person 65 years of age or older~~
8 ~~is valued at \$10,000 or more, but less than \$50,000, the~~
9 ~~offender commits a felony of the second degree, punishable as~~
10 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

11 ~~(c) If the funds, assets, or property involved in the~~
12 ~~theft from a person 65 years of age or older is valued at \$300~~
13 ~~or more, but less than \$10,000, the offender commits a felony~~
14 ~~of the third degree, punishable as provided in s. 775.082, s.~~
15 ~~775.083, or s. 775.084.~~

16 Section 5. Subsections (3) and (4) are added to
17 section 825.103, Florida Statutes, to read:

18 825.103 Exploitation of an elderly person or disabled
19 adult; penalties.--

20 (3) Notwithstanding any other law, if the funds,
21 assets, or property involved in the exploitation of an elderly
22 person or a disabled adult is valued at \$10,000 or more, the
23 court shall sentence the offender to a mandatory minimum term
24 of imprisonment of 3 years.

25 (4) This subsection does not prevent a court from
26 imposing a greater sentence of incarceration as authorized by
27 law. If the minimum mandatory term of imprisonment imposed
28 pursuant to subsection (3) exceeds the maximum sentence
29 authorized by s. 775.082, s. 775.084, or the Criminal
30 Punishment Code under chapter 921, the mandatory minimum
31 sentence must be imposed. If the mandatory minimum term of

1 imprisonment under this section is less than the sentence
2 authorized by s. 775.082, s. 775.084, or the Criminal
3 Punishment Code under chapter 921, the sentence imposed by the
4 court must include the mandatory minimum term of imprisonment
5 required in subsection (3).

6 Section 6. Subsection (1) of section 775.0877, Florida
7 Statutes, is amended to read:

8 775.0877 Criminal transmission of HIV; procedures;
9 penalties.--

10 (1) In any case in which a person has been convicted
11 of or has pled nolo contendere or guilty to, regardless of
12 whether adjudication is withheld, any of the following
13 offenses, or the attempt thereof, which offense or attempted
14 offense involves the transmission of body fluids from one
15 person to another:

16 (a) Section 794.011, relating to sexual battery,

17 (b) Section 826.04, relating to incest,

18 (c) Section 800.04(1), (2), and (3), relating to lewd,
19 lascivious, or indecent assault or act upon any person less
20 than 16 years of age,

21 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(b)
22 ~~784.08(2)(d)~~, relating to assault,

23 (e) Sections 784.021 ~~and~~ 784.07(2)(c), ~~and~~
24 ~~784.08(2)(b)~~, relating to aggravated assault,

25 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(a)
26 ~~784.08(2)(c)~~, relating to battery,

27 (g) Sections 784.045 ~~and~~ 784.07(2)(d), ~~and~~
28 ~~784.08(2)(a)~~, relating to aggravated battery,

29 (h) Section 827.03(1), relating to child abuse,

30 (i) Section 827.03(2), relating to aggravated child
31 abuse,

1 (j) Section 825.102(1), relating to abuse of an
2 elderly person or disabled adult,

3 (k) Section 825.102(2), relating to aggravated abuse
4 of an elderly person or disabled adult,

5 (l) Section 827.071, relating to sexual performance by
6 person less than 18 years of age,

7 (m) Sections 796.03, 796.07, and 796.08, relating to
8 prostitution, or

9 (n) Section 381.0041(11)(b), relating to donation of
10 blood, plasma, organs, skin, or other human tissue,

11
12 the court shall order the offender to undergo HIV testing, to
13 be performed under the direction of the Department of Health
14 in accordance with s. 381.004, unless the offender has
15 undergone HIV testing voluntarily or pursuant to procedures
16 established in s. 381.004(3)(h)6. or s. 951.27, or any other
17 applicable law or rule providing for HIV testing of criminal
18 offenders or inmates, subsequent to her or his arrest for an
19 offense enumerated in paragraphs (a)-(n) for which she or he
20 was convicted or to which she or he pled nolo contendere or
21 guilty. The results of an HIV test performed on an offender
22 pursuant to this subsection are not admissible in any criminal
23 proceeding arising out of the alleged offense.

24 Section 7. Paragraphs (b), (c), (d), (e), (f), and (g)
25 of subsection (3) of section 921.0022, Florida Statutes, are
26 amended to read:

27 921.0022 Criminal Punishment Code; offense severity
28 ranking chart.--

29 (3) OFFENSE SEVERITY RANKING CHART
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	Florida Statute	Felony Degree	Description
1			
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5			(b) LEVEL 2
6	370.12(1)(e)3.	3rd	Possession of 11 or fewer marine
7			turtle eggs in violation of the
8			Marine Turtle Protection Act.
9	370.12(1)(e)4.	3rd	Possession of more than 11 marine
10			turtle eggs in violation of the
11			Marine Turtle Protection Act.
12	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
13			lbs. in weight or 100 cubic feet
14			in volume or any quantity for
15			commercial purposes, or hazardous
16			waste.
17	517.07	3rd	Registration of securities and
18			furnishing of prospectus
19			required.
20	590.28(1)	3rd	<u>Intentional or reckless burning</u>
21			<u>of lands</u> Willful, malicious, or
22			intentional burning.
23	784.05(3)	3rd	Storing or leaving a loaded
24			firearm within reach of minor who
25			uses it to inflict injury or
26			death.
27	787.04(1)	3rd	In violation of court order,
28			take, entice, etc., minor beyond
29			state limits.
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1	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
2			or more to public communication
3			or any other public service.
4	810.061(2)	3rd	Impairing or impeding telephone
5			or power to a dwelling;
6			facilitating or furthering
7			burglary.
8	810.09(2)(e)	3rd	Trespassing on posted commercial
9			horticulture property.
10	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
11			more but less than \$5,000.
12	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
13			more but less than \$300, taken
14			from unenclosed curtilage of
15			dwelling.
16	812.015(7)	3rd	Possession, use, or attempted use
17			of an antishoplifting or
18			inventory control device
19			countermeasure.
20	817.234(1)(a)2.	3rd	False statement in support of
21			insurance claim.
22	817.481(3)(a)	3rd	Obtain credit or purchase with
23			false, expired, counterfeit,
24			etc., credit card, value over
25			\$300.
26	817.52(3)	3rd	Failure to redeliver hired
27			vehicle.
28	817.54	3rd	With intent to defraud, obtain
29			mortgage note, etc., by false
30			representation.
31			

1	817.60(5)	3rd	Dealing in credit cards of
2			another.
3	817.60(6)(a)	3rd	Forgery; purchase goods, services
4			with false card.
5	817.61	3rd	Fraudulent use of credit cards
6			over \$100 or more within 6
7			months.
8	826.04	3rd	Knowingly marries or has sexual
9			intercourse with person to whom
10			related.
11	831.01	3rd	Forgery.
12	831.02	3rd	Uttering forged instrument;
13			utters or publishes alteration
14			with intent to defraud.
15	831.07	3rd	Forging bank bills, checks,
16			drafts, or promissory notes.
17	831.08	3rd	Possessing 10 or more forged
18			notes, bills, checks, or drafts.
19	831.09	3rd	Uttering forged notes, bills,
20			checks, drafts, or promissory
21			notes.
22	831.11	3rd	Bringing into the state forged
23			bank bills, checks, drafts, or
24			notes.
25	832.05(3)(a)	3rd	Cashing or depositing item with
26			intent to defraud.
27	843.08	3rd	Falsely impersonating an officer.
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1	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
2			(2)(c)1., (2)(c)2., (2)(c)3.,
3			(2)(c)5., (2)(c)6., (2)(c)7.,
4			(2)(c)8., (2)(c)9., (3), or (4)
5			drugs other than cannabis.
6	893.147(2)	3rd	Manufacture or delivery of drug
7			paraphernalia.
8			(c) LEVEL 3
9	119.10(2)(b)	3rd	Unlawful use of confidential
10			information from police reports.
11	316.066(3)		
12	(d)-(f)	3rd	Unlawfully obtaining or using
13			confidential crash reports.
14	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
15	316.1935(2)	3rd	Fleeing or attempting to elude
16			law enforcement officer in patrol
17			vehicle with siren and lights
18			activated.
19	319.30(4)	3rd	Possession by junkyard of motor
20			vehicle with identification
21			number plate removed.
22	319.33(1)(a)	3rd	Alter or forge any certificate of
23			title to a motor vehicle or
24			mobile home.
25	319.33(1)(c)	3rd	Procure or pass title on stolen
26			vehicle.
27	319.33(4)	3rd	With intent to defraud, possess,
28			sell, etc., a blank, forged, or
29			unlawfully obtained title or
30			registration.
31	327.35(2)(b)	3rd	Felony BUI.

1	328.05(2)	3rd	Possess, sell, or counterfeit
2			fictitious, stolen, or fraudulent
3			titles or bills of sale of
4			vessels.
5	328.07(4)	3rd	Manufacture, exchange, or possess
6			vessel with counterfeit or wrong
7			ID number.
8	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
9			destroying, causing to be
10			destroyed, transferring, selling,
11			offering to sell, molesting, or
12			harassing marine turtles, marine
13			turtle eggs, or marine turtle
14			nests in violation of the Marine
15			Turtle Protection Act.
16	370.12(1)(e)6.	3rd	Soliciting to commit or
17			conspiring to commit a violation
18			of the Marine Turtle Protection
19			Act.
20	376.302(5)	3rd	Fraud related to reimbursement
21			for cleanup expenses under the
22			Inland Protection Trust Fund.
23	400.903(3)	3rd	Operating a clinic without a
24			license or filing false license
25			application or other required
26			information.
27	440.105(3)(b)	3rd	Receipt of fee or consideration
28			without approval by judge of
29			compensation claims.
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1	440.1051(3)	3rd	False report of workers'
2			compensation fraud or retaliation
3			for making such a report.
4	501.001(2)(b)	2nd	Tampers with a consumer product
5			or the container using materially
6			false/misleading information.
7	624.401(4)(a)	3rd	Transacting insurance without a
8			certificate of authority.
9	624.401(4)(b)1.	3rd	Transacting insurance without a
10			certificate of authority; premium
11			collected less than \$20,000.
12	626.902(1)		
13	(a) & (b)	3rd	Representing an unauthorized
14			insurer.
15	697.08	3rd	Equity skimming.
16	790.15(3)	3rd	Person directs another to
17			discharge firearm from a vehicle.
18	796.05(1)	3rd	Live on earnings of a prostitute.
19	806.10(1)	3rd	Maliciously injure, destroy, or
20			interfere with vehicles or
21			equipment used in firefighting.
22	806.10(2)	3rd	Interferes with or assaults
23			firefighter in performance of
24			duty.
25	810.09(2)(c)	3rd	Trespass on property other than
26			structure or conveyance armed
27			with firearm or dangerous weapon.
28	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
29			less than \$10,000.
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1	812.0145(2)(c)	3rd	Theft from person 65 years of age
2			or older; \$300 or more but less
3			than \$10,000.
4	815.04(4)(b)	2nd	Computer offense devised to
5			defraud or obtain property.
6	817.034(4)(a)3.	3rd	Engages in scheme to defraud
7			(Florida Communications Fraud
8			Act), property valued at less
9			than \$20,000.
10	817.233	3rd	Burning to defraud insurer.
11	817.234(8)		
12	(b)-(c)	3rd	Unlawful solicitation of persons
13			involved in motor vehicle
14			accidents.
15	817.234(11)(a)	3rd	Insurance fraud; property value
16			less than \$20,000.
17	817.236	3rd	Filing a false motor vehicle
18			insurance application.
19	817.2361	3rd	Creating, marketing, or
20			presenting a false or fraudulent
21			motor vehicle insurance card.
22	817.413(2)	3rd	Sale of used goods as new.
23	817.505(4)	3rd	Patient brokering.
24	828.12(2)	3rd	Tortures any animal with intent
25			to inflict intense pain, serious
26			physical injury, or death.
27	831.28(2)(a)	3rd	Counterfeiting a payment
28			instrument with intent to defraud
29			or possessing a counterfeit
30			payment instrument.
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1	831.29	2nd	Possession of instruments for
2			counterfeiting drivers' licenses
3			or identification cards.
4	838.021(3)(b)	3rd	Threatens unlawful harm to public
5			servant.
6	843.19	3rd	Injure, disable, or kill police
7			dog or horse.
8	860.15(3)	3rd	Overcharging for repairs and
9			parts.
10	870.01(2)	3rd	Riot; inciting or encouraging.
11	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
12			cannabis (or other s.
13			893.03(1)(c), (2)(c)1., (2)(c)2.,
14			(2)(c)3., (2)(c)5., (2)(c)6.,
15			(2)(c)7., (2)(c)8., (2)(c)9.,
16			(3), or (4) drugs).
17	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
18			893.03(1)(c), (2)(c)1., (2)(c)2.,
19			(2)(c)3., (2)(c)5., (2)(c)6.,
20			(2)(c)7., (2)(c)8., (2)(c)9.,
21			(3), or (4) drugs within 1,000
22			feet of university.
23	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
24			893.03(1)(c), (2)(c)1., (2)(c)2.,
25			(2)(c)3., (2)(c)5., (2)(c)6.,
26			(2)(c)7., (2)(c)8., (2)(c)9.,
27			(3), or (4) drugs within 1,000
28			feet of public housing facility.
29	893.13(6)(a)	3rd	Possession of any controlled
30			substance other than felony
31			possession of cannabis.

1	893.13(7)(a)8.	3rd	Withhold information from
2			practitioner regarding previous
3			receipt of or prescription for a
4			controlled substance.
5	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
6			controlled substance by fraud,
7			forgery, misrepresentation, etc.
8	893.13(7)(a)10.	3rd	Affix false or forged label to
9			package of controlled substance.
10	893.13(7)(a)11.	3rd	Furnish false or fraudulent
11			material information on any
12			document or record required by
13			chapter 893.
14	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
15			person, or owner of an animal in
16			obtaining a controlled substance
17			through deceptive, untrue, or
18			fraudulent representations in or
19			related to the practitioner's
20			practice.
21	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
22			practitioner's practice to assist
23			a patient, other person, or owner
24			of an animal in obtaining a
25			controlled substance.
26	893.13(8)(a)3.	3rd	Knowingly write a prescription
27			for a controlled substance for a
28			fictitious person.
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1	893.13(8)(a)4.	3rd	Write a prescription for a
2			controlled substance for a
3			patient, other person, or an
4			animal if the sole purpose of
5			writing the prescription is a
6			monetary benefit for the
7			practitioner.
8	918.13(1)(a)	3rd	Alter, destroy, or conceal
9			investigation evidence.
10	944.47		
11	(1)(a)1.-2.	3rd	Introduce contraband to
12			correctional facility.
13	944.47(1)(c)	2nd	Possess contraband while upon the
14			grounds of a correctional
15			institution.
16	985.3141	3rd	Escapes from a juvenile facility
17			(secure detention or residential
18			commitment facility).
19			(d) LEVEL 4
20	316.1935(3)(a)	2nd	Driving at high speed or with
21			wanton disregard for safety while
22			fleeing or attempting to elude
23			law enforcement officer who is in
24			a patrol vehicle with siren and
25			lights activated.
26	499.0051(1)	3rd	Failure to maintain or deliver
27			pedigree papers.
28	499.0051(2)	3rd	Failure to authenticate pedigree
29			papers.
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1	499.0051(6)	2nd	Sale or delivery, or possession
2			with intent to sell, contraband
3			legend drugs.
4	784.07(2)(b)	3rd	Battery of law enforcement
5			officer, firefighter, intake
6			officer, etc.
7	784.074(1)(c)	3rd	Battery of sexually violent
8			predators facility staff.
9	784.075	3rd	Battery on detention or
10			commitment facility staff.
11	784.078	3rd	Battery of facility employee by
12			throwing, tossing, or expelling
13			certain fluids or materials.
14	784.08(2) <u>(a)</u> (c)	3rd	Battery on a person 65 years of
15			age or older.
16	784.081(3)	3rd	Battery on specified official or
17			employee.
18	784.082(3)	3rd	Battery by detained person on
19			visitor or other detainee.
20	784.083(3)	3rd	Battery on code inspector.
21	784.085	3rd	Battery of child by throwing,
22			tossing, projecting, or expelling
23			certain fluids or materials.
24	787.03(1)	3rd	Interference with custody;
25			wrongly takes child from
26			appointed guardian.
27	787.04(2)	3rd	Take, entice, or remove child
28			beyond state limits with criminal
29			intent pending custody
30			proceedings.
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1	787.04(3)	3rd	Carrying child beyond state lines
2			with criminal intent to avoid
3			producing child at custody
4			hearing or delivering to
5			designated person.
6	790.115(1)	3rd	Exhibiting firearm or weapon
7			within 1,000 feet of a school.
8	790.115(2)(b)	3rd	Possessing electric weapon or
9			device, destructive device, or
10			other weapon on school property.
11	790.115(2)(c)	3rd	Possessing firearm on school
12			property.
13	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
14			offender less than 18 years.
15	810.02(4)(a)	3rd	Burglary, or attempted burglary,
16			of an unoccupied structure;
17			unarmed; no assault or battery.
18	810.02(4)(b)	3rd	Burglary, or attempted burglary,
19			of an unoccupied conveyance;
20			unarmed; no assault or battery.
21	810.06	3rd	Burglary; possession of tools.
22	810.08(2)(c)	3rd	Trespass on property, armed with
23			firearm or dangerous weapon.
24	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
25			or more but less than \$20,000.
26	812.014		
27	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
28			firearm, motor vehicle,
29			livestock, etc.
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1	812.0195(2)	3rd	Dealing in stolen property by use
2			of the Internet; property stolen
3			\$300 or more.
4	817.563(1)	3rd	Sell or deliver substance other
5			than controlled substance agreed
6			upon, excluding s. 893.03(5)
7			drugs.
8	817.568(2)(a)	3rd	Fraudulent use of personal
9			identification information.
10	817.625(2)(a)	3rd	Fraudulent use of scanning device
11			or reencoder.
12	828.125(1)	2nd	Kill, maim, or cause great bodily
13			harm or permanent breeding
14			disability to any registered
15			horse or cattle.
16	837.02(1)	3rd	Perjury in official proceedings.
17	837.021(1)	3rd	Make contradictory statements in
18			official proceedings.
19	838.022	3rd	Official misconduct.
20	839.13(2)(a)	3rd	Falsifying records of an
21			individual in the care and
22			custody of a state agency.
23	839.13(2)(c)	3rd	Falsifying records of the
24			Department of Children and Family
25			Services.
26	843.021	3rd	Possession of a concealed
27			handcuff key by a person in
28			custody.
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1	843.025	3rd	Deprive law enforcement,
2			correctional, or correctional
3			probation officer of means of
4			protection or communication.
5	843.15(1)(a)	3rd	Failure to appear while on bail
6			for felony (bond estreature or
7			bond jumping).
8	874.05(1)	3rd	Encouraging or recruiting another
9			to join a criminal street gang.
10	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
11			893.03(1)(a), (b), or (d),
12			(2)(a), (2)(b), or (2)(c)4.
13			drugs).
14	914.14(2)	3rd	Witnesses accepting bribes.
15	914.22(1)	3rd	Force, threaten, etc., witness,
16			victim, or informant.
17	914.23(2)	3rd	Retaliation against a witness,
18			victim, or informant, no bodily
19			injury.
20	918.12	3rd	Tampering with jurors.
21	934.215	3rd	Use of two-way communications
22			device to facilitate commission
23			of a crime.
24			(e) LEVEL 5
25	316.027(1)(a)	3rd	Accidents involving personal
26			injuries, failure to stop;
27			leaving scene.
28	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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1	322.34(6)	3rd	Careless operation of motor
2			vehicle with suspended license,
3			resulting in death or serious
4			bodily injury.
5	327.30(5)	3rd	Vessel accidents involving
6			personal injury; leaving scene.
7	381.0041		
8	(11)(b)	3rd	Donate blood, plasma, or organs
9			knowing HIV positive.
10	440.10(1)(g)	2nd	Failure to obtain workers'
11			compensation coverage.
12	440.105(5)	2nd	Unlawful solicitation for the
13			purpose of making workers'
14			compensation claims.
15	440.381(2)	2nd	Submission of false, misleading,
16			or incomplete information with
17			the purpose of avoiding or
18			reducing workers' compensation
19			premiums.
20	624.401(4)(b)2.	2nd	Transacting insurance without a
21			certificate or authority; premium
22			collected \$20,000 or more but
23			less than \$100,000.
24	626.902(1)(c)	2nd	Representing an unauthorized
25			insurer; repeat offender.
26	790.01(2)	3rd	Carrying a concealed firearm.
27	790.162	2nd	Threat to throw or discharge
28			destructive device.
29	790.163(1)	2nd	False report of deadly explosive
30			or weapon of mass destruction.
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1	790.221(1)	2nd	Possession of short-barreled
2			shotgun or machine gun.
3	790.23	2nd	Felons in possession of firearms,
4			ammunition, or electronic weapons
5			or devices.
6	800.04(6)(c)	3rd	Lewd or lascivious conduct;
7			offender less than 18 years.
8	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
9			offender 18 years or older.
10	806.111(1)	3rd	Possess, manufacture, or dispense
11			fire bomb with intent to damage
12			any structure or property.
13	812.0145(2)(b)	2nd	Theft from person 65 years of age
14			or older; \$10,000 or more but
15			less than \$50,000.
16	812.015(8)	3rd	Retail theft; property stolen is
17			valued at \$300 or more and one or
18			more specified acts.
19	812.019(1)	2nd	Stolen property; dealing in or
20			trafficking in.
21	812.131(2)(b)	3rd	Robbery by sudden snatching.
22	812.16(2)	3rd	Owning, operating, or conducting
23			a chop shop.
24	817.034(4)(a)2.	2nd	Communications fraud, value
25			\$20,000 to \$50,000.
26	817.234(11)(b)	2nd	Insurance fraud; property value
27			\$20,000 or more but less than
28			\$100,000.
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1	817.2341(1),		
2	(2)(a)&(3)(a)	3rd	Filing false financial
3			statements, making false entries
4			of material fact or false
5			statements regarding property
6			values relating to the solvency
7			of an insuring entity.
8	817.568(2)(b)	2nd	Fraudulent use of personal
9			identification information; value
10			of benefit, services received,
11			payment avoided, or amount of
12			injury or fraud, \$5,000 or more
13			or use of personal identification
14			information of 10 or more
15			individuals.
16	817.625(2)(b)	2nd	Second or subsequent fraudulent
17			use of scanning device or
18			reencoder.
19	825.1025(4)	3rd	Lewd or lascivious exhibition in
20			the presence of an elderly person
21			or disabled adult.
22	827.071(4)	2nd	Possess with intent to promote
23			any photographic material, motion
24			picture, etc., which includes
25			sexual conduct by a child.
26	839.13(2)(b)	2nd	Falsifying records of an
27			individual in the care and
28			custody of a state agency
29			involving great bodily harm or
30			death.
31			

1	843.01	3rd	Resist officer with violence to
2			person; resist arrest with
3			violence.
4	874.05(2)	2nd	Encouraging or recruiting another
5			to join a criminal street gang;
6			second or subsequent offense.
7	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
8			cocaine (or other s.
9			893.03(1)(a), (1)(b), (1)(d),
10			(2)(a), (2)(b), or (2)(c)4.
11			drugs).
12	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
13			cannabis (or other s.
14			893.03(1)(c), (2)(c)1., (2)(c)2.,
15			(2)(c)3., (2)(c)5., (2)(c)6.,
16			(2)(c)7., (2)(c)8., (2)(c)9.,
17			(3), or (4) drugs) within 1,000
18			feet of a child care facility,
19			school, or state, county, or
20			municipal park or publicly owned
21			recreational facility or
22			community center.
23	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
24			cocaine (or other s.
25			893.03(1)(a), (1)(b), (1)(d),
26			(2)(a), (2)(b), or (2)(c)4.
27			drugs) within 1,000 feet of
28			university.
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1	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
2			cannabis or other drug prohibited
3			under s. 893.03(1)(c), (2)(c)1.,
4			(2)(c)2., (2)(c)3., (2)(c)5.,
5			(2)(c)6., (2)(c)7., (2)(c)8.,
6			(2)(c)9., (3), or (4) within
7			1,000 feet of property used for
8			religious services or a specified
9			business site.
10	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
11			cocaine (or other s.
12			893.03(1)(a), (1)(b), (1)(d), or
13			(2)(a), (2)(b), or (2)(c)4.
14			drugs) within 1,000 feet of
15			public housing facility.
16	893.13(4)(b)	2nd	Deliver to minor cannabis (or
17			other s. 893.03(1)(c), (2)(c)1.,
18			(2)(c)2., (2)(c)3., (2)(c)5.,
19			(2)(c)6., (2)(c)7., (2)(c)8.,
20			(2)(c)9., (3), or (4) drugs).
21			(f) LEVEL 6
22	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
23			conviction.
24	499.0051(3)	2nd	Forgery of pedigree papers.
25	499.0051(4)	2nd	Purchase or receipt of legend
26			drug from unauthorized person.
27	499.0051(5)	2nd	Sale of legend drug to
28			unauthorized person.
29	775.0875(1)	3rd	Taking firearm from law
30			enforcement officer.
31			

1	775.21(10)	3rd	Sexual predators; failure to
2			register; failure to renew
3			driver's license or
4			identification card.
5	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
6			without intent to kill.
7	784.021(1)(b)	3rd	Aggravated assault; intent to
8			commit felony.
9	784.041	3rd	Felony battery.
10	784.048(3)	3rd	Aggravated stalking; credible
11			threat.
12	784.048(5)	3rd	Aggravated stalking of person
13			under 16.
14	784.07(2)(c)	2nd	Aggravated assault on law
15			enforcement officer.
16	784.074(1)(b)	2nd	Aggravated assault on sexually
17			violent predators facility staff.
18	784.08(2)(b)	2nd	Aggravated assault on a person 65
19			years of age or older.
20	784.081(2)	2nd	Aggravated assault on specified
21			official or employee.
22	784.082(2)	2nd	Aggravated assault by detained
23			person on visitor or other
24			detainee.
25	784.083(2)	2nd	Aggravated assault on code
26			inspector.
27	787.02(2)	3rd	False imprisonment; restraining
28			with purpose other than those in
29			s. 787.01.
30	790.115(2)(d)	2nd	Discharging firearm or weapon on
31			school property.

1	790.161(2)	2nd	Make, possess, or throw
2			destructive device with intent to
3			do bodily harm or damage
4			property.
5	790.164(1)	2nd	False report of deadly explosive,
6			weapon of mass destruction, or
7			act of arson or violence to state
8			property.
9	790.19	2nd	Shooting or throwing deadly
10			missiles into dwellings, vessels,
11			or vehicles.
12	794.011(8)(a)	3rd	Solicitation of minor to
13			participate in sexual activity by
14			custodial adult.
15	794.05(1)	2nd	Unlawful sexual activity with
16			specified minor.
17	800.04(5)(d)	3rd	Lewd or lascivious molestation;
18			victim 12 years of age or older
19			but less than 16 years; offender
20			less than 18 years.
21	800.04(6)(b)	2nd	Lewd or lascivious conduct;
22			offender 18 years of age or
23			older.
24	806.031(2)	2nd	Arson resulting in great bodily
25			harm to firefighter or any other
26			person.
27	810.02(3)(c)	2nd	Burglary of occupied structure;
28			unarmed; no assault or battery.
29	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
30			but less than \$100,000, grand
31			theft in 2nd degree.

1	812.015(9)	2nd	Retail theft; property stolen
2			\$300 or more; second or
3			subsequent conviction.
4	812.13(2)(c)	2nd	Robbery, no firearm or other
5			weapon (strong-arm robbery).
6	817.034(4)(a)1.	1st	Communications fraud, value
7			greater than \$50,000.
8	817.4821(5)	2nd	Possess cloning paraphernalia
9			with intent to create cloned
10			cellular telephones.
11	825.102(1)	3rd	Abuse of an elderly person or
12			disabled adult.
13	825.102(3)(c)	3rd	Neglect of an elderly person or
14			disabled adult.
15	825.1025(3)	3rd	Lewd or lascivious molestation of
16			an elderly person or disabled
17			adult.
18	825.103(2)(c)	3rd	Exploiting an elderly person or
19			disabled adult and property is
20			valued at less than \$20,000.
21	827.03(1)	3rd	Abuse of a child.
22	827.03(3)(c)	3rd	Neglect of a child.
23	827.071(2)&(3)	2nd	Use or induce a child in a sexual
24			performance, or promote or direct
25			such performance.
26	836.05	2nd	Threats; extortion.
27	836.10	2nd	Written threats to kill or do
28			bodily injury.
29	843.12	3rd	Aids or assists person to escape.
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1	847.0135(3)	3rd	Solicitation of a child, via a
2			computer service, to commit an
3			unlawful sex act.
4	914.23	2nd	Retaliation against a witness,
5			victim, or informant, with bodily
6			injury.
7	943.0435(9)	3rd	Sex offenders; failure to comply
8			with reporting requirements.
9	944.35(3)(a)2.	3rd	Committing malicious battery upon
10			or inflicting cruel or inhuman
11			treatment on an inmate or
12			offender on community
13			supervision, resulting in great
14			bodily harm.
15	944.40	2nd	Escapes.
16	944.46	3rd	Harboring, concealing, aiding
17			escaped prisoners.
18	944.47(1)(a)5.	2nd	Introduction of contraband
19			(firearm, weapon, or explosive)
20			into correctional facility.
21	951.22(1)	3rd	Intoxicating drug, firearm, or
22			weapon introduced into county
23			facility.
24			(g) LEVEL 7
25	316.027(1)(b)	2nd	Accident involving death, failure
26			to stop; leaving scene.
27	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
28			injury.
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1	316.1935(3)(b)	1st	Causing serious bodily injury or
2			death to another person; driving
3			at high speed or with wanton
4			disregard for safety while
5			fleeing or attempting to elude
6			law enforcement officer who is in
7			a patrol vehicle with siren and
8			lights activated.
9	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
10			bodily injury.
11	402.319(2)	2nd	Misrepresentation and negligence
12			or intentional act resulting in
13			great bodily harm, permanent
14			disfiguration, permanent
15			disability, or death.
16	409.920(2)	3rd	Medicaid provider fraud.
17	456.065(2)	3rd	Practicing a health care
18			profession without a license.
19	456.065(2)	2nd	Practicing a health care
20			profession without a license
21			which results in serious bodily
22			injury.
23	458.327(1)	3rd	Practicing medicine without a
24			license.
25	459.013(1)	3rd	Practicing osteopathic medicine
26			without a license.
27	460.411(1)	3rd	Practicing chiropractic medicine
28			without a license.
29	461.012(1)	3rd	Practicing podiatric medicine
30			without a license.
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1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.013(1)(c)	3rd	Preparing or dispensing optical
20			devices without a prescription.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
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1	560.123(8)(b)1.	3rd	Failure to report currency or
2			payment instruments exceeding
3			\$300 but less than \$20,000 by
4			money transmitter.
5	560.125(5)(a)	3rd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments exceeding
8			\$300 but less than \$20,000.
9	655.50(10)(b)1.	3rd	Failure to report financial
10			transactions exceeding \$300 but
11			less than \$20,000 by financial
12			institution.
13	782.051(3)	2nd	Attempted felony murder of a
14			person by a person other than the
15			perpetrator or the perpetrator of
16			an attempted felony.
17	782.07(1)	2nd	Killing of a human being by the
18			act, procurement, or culpable
19			negligence of another
20			(manslaughter).
21	782.071	2nd	Killing of human being or viable
22			fetus by the operation of a motor
23			vehicle in a reckless manner
24			(vehicular homicide).
25	782.072	2nd	Killing of a human being by the
26			operation of a vessel in a
27			reckless manner (vessel
28			homicide).
29	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
30			causing great bodily harm or
31			disfigurement.

1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	3rd	Aggravated stalking; violation of
6			injunction or court order.
7	784.048(7)	3rd	Aggravated stalking; violation of
8			court order.
9	784.07(2)(d)	1st	Aggravated battery on law
10			enforcement officer.
11	784.074(1)(a)	1st	Aggravated battery on sexually
12			violent predators facility staff.
13	784.08(2)(a)	1st	Aggravated battery on a person 65
14			years of age or older.
15	784.081(1)	1st	Aggravated battery on specified
16			official or employee.
17	784.082(1)	1st	Aggravated battery by detained
18			person on visitor or other
19			detainee.
20	784.083(1)	1st	Aggravated battery on code
21			inspector.
22	790.07(4)	1st	Specified weapons violation
23			subsequent to previous conviction
24			of s. 790.07(1) or (2).
25	790.16(1)	1st	Discharge of a machine gun under
26			specified circumstances.
27	790.165(2)	2nd	Manufacture, sell, possess, or
28			deliver hoax bomb.
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1	790.165(3)	2nd	Possessing, displaying, or
2			threatening to use any hoax bomb
3			while committing or attempting to
4			commit a felony.
5	790.166(3)	2nd	Possessing, selling, using, or
6			attempting to use a hoax weapon
7			of mass destruction.
8	790.166(4)	2nd	Possessing, displaying, or
9			threatening to use a hoax weapon
10			of mass destruction while
11			committing or attempting to
12			commit a felony.
13	796.03	2nd	Procuring any person under 16
14			years for prostitution.
15	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
16			victim less than 12 years of age;
17			offender less than 18 years.
18	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
19			victim 12 years of age or older
20			but less than 16 years; offender
21			18 years or older.
22	806.01(2)	2nd	Maliciously damage structure by
23			fire or explosive.
24	810.02(3)(a)	2nd	Burglary of occupied dwelling;
25			unarmed; no assault or battery.
26	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
27			unarmed; no assault or battery.
28	810.02(3)(d)	2nd	Burglary of occupied conveyance;
29			unarmed; no assault or battery.
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1	812.014(2)(a)1.	1st	Property stolen, valued at
2			\$100,000 or more; property stolen
3			while causing other property
4			damage; 1st degree grand theft.
5	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
6			less than \$50,000, grand theft in
7			2nd degree.
8	812.014(2)(b)3.	2nd	Property stolen, emergency
9			medical equipment; 2nd degree
10			grand theft.
11	812.0145(2)(a)	1st	Theft from person 65 years of age
12			or older; \$50,000 or more.
13	812.019(2)	1st	Stolen property; initiates,
14			organizes, plans, etc., the theft
15			of property and traffics in
16			stolen property.
17	812.131(2)(a)	2nd	Robbery by sudden snatching.
18	812.133(2)(b)	1st	Carjacking; no firearm, deadly
19			weapon, or other weapon.
20	817.234(8)(a)	2nd	Solicitation of motor vehicle
21			accident victims with intent to
22			defraud.
23	817.234(9)	2nd	Organizing, planning, or
24			participating in an intentional
25			motor vehicle collision.
26	817.234(11)(c)	1st	Insurance fraud; property value
27			\$100,000 or more.
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1	817.2341(2)(b)&		
2	(3)(b)	1st	Making false entries of material
3			fact or false statements
4			regarding property values
5			relating to the solvency of an
6			insuring entity which are a
7			significant cause of the
8			insolvency of that entity.
9	825.102(3)(b)	2nd	Neglecting an elderly person or
10			disabled adult causing great
11			bodily harm, disability, or
12			disfigurement.
13	825.103(2)(b)	2nd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at \$20,000 or more, but
16			less than \$100,000.
17	827.03(3)(b)	2nd	Neglect of a child causing great
18			bodily harm, disability, or
19			disfigurement.
20	827.04(3)	3rd	Impregnation of a child under 16
21			years of age by person 21 years
22			of age or older.
23	837.05(2)	3rd	Giving false information about
24			alleged capital felony to a law
25			enforcement officer.
26	838.015	2nd	Bribery.
27	838.016	2nd	Unlawful compensation or reward
28			for official behavior.
29	838.021(3)(a)	2nd	Unlawful harm to a public
30			servant.
31	838.22	2nd	Bid tampering.

1	872.06	2nd	Abuse of a dead human body.
2	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
3			cocaine (or other drug prohibited
4			under s. 893.03(1)(a), (1)(b),
5			(1)(d), (2)(a), (2)(b), or
6			(2)(c)4.) within 1,000 feet of a
7			child care facility, school, or
8			state, county, or municipal park
9			or publicly owned recreational
10			facility or community center.
11	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
12			cocaine or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), (2)(b), or
15			(2)(c)4., within 1,000 feet of
16			property used for religious
17			services or a specified business
18			site.
19	893.13(4)(a)	1st	Deliver to minor cocaine (or
20			other s. 893.03(1)(a), (1)(b),
21			(1)(d), (2)(a), (2)(b), or
22			(2)(c)4. drugs).
23	893.135(1)(a)1.	1st	Trafficking in cannabis, more
24			than 25 lbs., less than 2,000
25			lbs.
26	893.135		
27	(1)(b)1.a.	1st	Trafficking in cocaine, more than
28			28 grams, less than 200 grams.
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31			

1	893.135		
2	(1)(c)1.a.	1st	Trafficking in illegal drugs,
3			more than 4 grams, less than 14
4			grams.
5	893.135		
6	(1)(d)1.	1st	Trafficking in phencyclidine,
7			more than 28 grams, less than 200
8			grams.
9	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
10			than 200 grams, less than 5
11			kilograms.
12	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
13			than 14 grams, less than 28
14			grams.
15	893.135		
16	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
17			grams or more, less than 14
18			grams.
19	893.135		
20	(1)(h)1.a.	1st	Trafficking in
21			gamma-hydroxybutyric acid (GHB),
22			1 kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
26			kilogram or more, less than 5
27			kilograms.
28	893.135		
29	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
30			10 grams or more, less than 200
31			grams.

1 896.101(5)(a) 3rd Money laundering, financial
2 transactions exceeding \$300 but
3 less than \$20,000.
4 896.104(4)(a)1. 3rd Structuring transactions to evade
5 reporting or registration
6 requirements, financial
7 transactions exceeding \$300 but
8 less than \$20,000.

9 Section 8. This act shall take effect July 1, 2005.

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11
12 SENATE SUMMARY

13 Reclassifies felonies committed against the elderly or
14 disabled. Provides for the reclassification of
15 misdemeanors committed against persons 65 years of age or
16 older. Provides for a mandatory term of imprisonment for
17 certain thefts against persons 65 years of age or older.
18 Provides for a mandatory term of imprisonment for certain
19 acts of exploitation against an elderly person or
20 disabled adult.
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