

ENROLLED
HB 0411

2005 Legislature

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A bill to be entitled
An act relating to the Criminal Punishment Code; amending
s. 921.0022, F.S.; including offenses involving the
possession of photographic material containing sexual
conduct by a minor, the transmission of pornography by
electronic device, and the transmission to a minor of
material harmful to minors by electronic device within the
offense severity ranking chart of the Criminal Punishment
Code; reclassifying within the offense severity ranking
chart the offense of soliciting a child by a computer
service to commit an unlawful sexual act, which is a
felony of the third degree, to increase the penalty
imposed for that offense; providing an effective date.

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

Section 1. Paragraphs (e), (f), and (g) of subsection (3)
of section 921.0022, Florida Statutes, are amended to read:
921.0022 Criminal Punishment Code; offense severity
ranking chart.--

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(e) LEVEL 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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26	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
27	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
28	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
29	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
30	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
	440.10(1)(g)	2nd	Failure to obtain workers' compensation

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31

440.105 (5)

2nd

coverage.

Unlawful solicitation for the purpose of making workers' compensation claims.

32

440.381 (2)

2nd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

33

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

34

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat

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35			offender.
	790.01 (2)	3rd	Carrying a concealed firearm.
36			
	790.162	2nd	Threat to throw or discharge destructive device.
37			
	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
38			
	790.221 (1)	2nd	Possession of short- barreled shotgun or machine gun.
39			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
40			
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
41			

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42	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
43	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
44	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
45	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
46	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
	812.131 (2) (b)	3rd	Robbery by sudden

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47	812.16 (2)	3rd	snatching.
48	817.034 (4) (a) 2.	2nd	Owning, operating, or conducting a chop shop.
49	817.234 (11) (b)	2nd	Communications fraud, value \$20,000 to \$50,000.
50	817.2341 (1), (2) (a) & (3) (a)	3rd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
51	817.568 (2) (b)	2nd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity. Fraudulent use of personal

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52	817.625 (2) (b)	2nd	<p>identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.</p>
53	825.1025 (4)	3rd	<p>Second or subsequent fraudulent use of scanning device or reencoder.</p>
54	827.071 (4)	2nd	<p>Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.</p>
			<p>Possess with intent to promote any photographic material, motion picture, etc., which</p>

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55	<u>827.071(5)</u>	<u>3rd</u>	includes sexual conduct by a child.
56	839.13(2)(b)	2nd	<u>Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.</u>
57	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
58	<u>847.0137(2) & (3)</u>	<u>3rd</u>	Resist officer with violence to person; resist arrest with violence.
59			<u>Transmission of pornography by electronic device or equipment.</u>

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60	<u>847.0138(2) & (3)</u>	<u>3rd</u>	<u>Transmission of material harmful to minors to a minor by electronic device or equipment.</u>
61	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
62	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,

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(2) (c) 8., (2) (c) 9.,
(3), or (4) drugs)
within 1,000 feet of
a child care
facility, school, or
state, county, or
municipal park or
publicly owned
recreational
facility or
community center.

63

893.13 (1) (d) 1. 1st

Sell, manufacture,
or deliver cocaine
(or other s.
893.03 (1) (a),
(1) (b), (1) (d),
(2) (a), (2) (b), or
(2) (c) 4. drugs)
within 1,000 feet of
university.

64

893.13 (1) (e) 2. 2nd

Sell, manufacture,
or deliver cannabis
or other drug
prohibited under s.
893.03 (1) (c),
(2) (c) 1., (2) (c) 2.,

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(2) (c) 3., (2) (c) 5.,
(2) (c) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9.,
(3), or (4) within
1,000 feet of
property used for
religious services
or a specified
business site.

65

893.13 (1) (f) 1. 1st

Sell, manufacture,
or deliver cocaine
(or other s.
893.03 (1) (a),
(1) (b), (1) (d), or
(2) (a), (2) (b), or
(2) (c) 4. drugs)
within 1,000 feet of
public housing
facility.

66

893.13 (4) (b) 2nd

Deliver to minor
cannabis (or other
s. 893.03 (1) (c),
(2) (c) 1., (2) (c) 2.,
(2) (c) 3., (2) (c) 5.,
(2) (c) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9.,

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67			(3), or (4) drugs).
68			(f) LEVEL 6
69	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
70	499.0051 (3)	2nd	Forgery of pedigree papers.
71	499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
72	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
73	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
74	775.21 (10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.

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75	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
76	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
77	784.041	3rd	Felony battery.
78	784.048 (3)	3rd	Aggravated stalking; credible threat.
79	784.048 (5)	3rd	Aggravated stalking of person under 16.
80	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
81	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years

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			of age or older.
82	784.081 (2)	2nd	Aggravated assault on specified official or employee.
83	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
84	784.083 (2)	2nd	Aggravated assault on code inspector.
85	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
86	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
87	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or

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88	790.164 (1)	2nd	damage property.
89	790.19	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
90	794.011 (8) (a)	3rd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
91	794.05 (1)	2nd	Solicitation of minor to participate in sexual activity by custodial adult.
92	800.04 (5) (d)	3rd	Unlawful sexual activity with specified minor.
			Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender

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93	800.04 (6) (b)	2nd	less than 18 years.
94	806.031 (2)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
95	810.02 (3) (c)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
96	812.014 (2) (b) 1.	2nd	Burglary of occupied structure; unarmed; no assault or battery.
97	812.015 (9)	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
98			Retail theft; property stolen \$300 or more; second or subsequent conviction.

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99	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
100	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
101	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
102	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
103	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
104	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.

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105	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
106	827.03 (1)	3rd	Abuse of a child.
107	827.03 (3) (c)	3rd	Neglect of a child.
108	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
109	836.05	2nd	Threats; extortion.
110	836.10	2nd	Written threats to kill or do bodily injury.
111	843.12	3rd	Aids or assists person to escape.
	847.0135 <u>(2)</u> (3)	3rd	<u>Facilitates sexual conduct of or with a</u>

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112	914.23	2nd	<p><u>minor or the visual depiction of such conduct.</u> Solicitation of a child, via a computer service, to commit an unlawful sex act.</p>
113	943.0435 (9)	3rd	<p>Retaliation against a witness, victim, or informant, with bodily injury.</p>
114	944.35 (3) (a) 2.	3rd	<p>Sex offenders; failure to comply with reporting requirements.</p> <p>Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great</p>

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115			bodily harm.
116	944.40	2nd	Escapes.
117	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
118	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
119	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
120			(g) LEVEL 7
121	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
121	316.193(3)(c)2.	3rd	DUI resulting in serious bodily

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122

316.1935 (3) (b) 1st

injury.

Causing serious
bodily injury or
death to another
person; driving at
high speed or with
wanton disregard for
safety while fleeing
or attempting to
elude law
enforcement officer
who is in a patrol
vehicle with siren
and lights
activated.

123

327.35 (3) (c) 2. 3rd

Vessel BUI resulting
in serious bodily
injury.

124

402.319 (2) 2nd

Misrepresentation
and negligence or
intentional act
resulting in great
bodily harm,
permanent
disfiguration,

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			permanent disability, or death.
125	409.920 (2)	3rd	Medicaid provider fraud.
126	456.065 (2)	3rd	Practicing a health care profession without a license.
127	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
128	458.327 (1)	3rd	Practicing medicine without a license.
129	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
130	460.411 (1)	3rd	Practicing chiropractic medicine without a

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131	461.012 (1)	3rd	license. Practicing podiatric medicine without a license.
132	462.17	3rd	Practicing naturopathy without a license.
133	463.015 (1)	3rd	Practicing optometry without a license.
134	464.016 (1)	3rd	Practicing nursing without a license.
135	465.015 (2)	3rd	Practicing pharmacy without a license.
136	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
137	467.201	3rd	Practicing midwifery without a license.
138	468.366	3rd	Delivering respiratory care

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139	483.828 (1)	3rd	services without a license.
140	483.901 (9)	3rd	Practicing as clinical laboratory personnel without a license.
141	484.013 (1) (c)	3rd	Practicing medical physics without a license.
142	484.053	3rd	Preparing or dispensing optical devices without a prescription.
143	494.0018 (2)	1st	Dispensing hearing aids without a license.
			Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and

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144	560.123 (8) (b) 1.	3rd	there were five or more victims.
145	560.125 (5) (a)	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
146	655.50 (10) (b) 1.	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
147	782.051 (3)	2nd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution. Attempted felony murder of a person

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148	782.07(1)	2nd	by a person other than the perpetrator or the perpetrator of an attempted felony.
149	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
150	782.072	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
151			Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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152	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
153	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
154	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
155	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
156	784.048 (7)	3rd	Aggravated stalking; violation of court order.
157	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
	784.074 (1) (a)	1st	Aggravated battery on sexually violent

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			predators facility staff.
158	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
159	784.081(1)	1st	Aggravated battery on specified official or employee.
160	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
161	784.083(1)	1st	Aggravated battery on code inspector.
162	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
163	790.16(1)	1st	Discharge of a machine gun under

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164	790.165 (2)	2nd	specified circumstances.
165	790.165 (3)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
166	790.166 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
167	790.166 (4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
168			Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

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169	796.03	2nd	Procuring any person under 16 years for prostitution.
170	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
171	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
172	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
173	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling;

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174	810.02 (3) (d)	2nd	unarmed; no assault or battery.
175	812.014 (2) (a) 1.	1st	Burglary of occupied conveyance; unarmed; no assault or battery.
176	812.014 (2) (b) 2.	2nd	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
177	812.014 (2) (b) 3.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
178	812.0145 (2) (a)	1st	Property stolen, emergency medical equipment; 2nd degree grand theft.
			Theft from person 65 years of age or

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179	812.019 (2)	1st	older; \$50,000 or more. Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
180	812.131 (2) (a)	2nd	Robbery by sudden snatching.
181	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
182	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
183	817.234 (9)	2nd	Organizing, planning, or participating in an

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184	817.234 (11) (c)	1st	intentional motor vehicle collision.
185	817.2341 (2) (b) & (3) (b)	1st	Insurance fraud; property value \$100,000 or more. Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
186	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
187	825.103 (2) (b)	2nd	Exploiting an elderly person or

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			disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
188	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
189	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
190	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
191	838.015	2nd	Bribery.
192	838.016	2nd	Unlawful compensation or reward for official

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193			behavior.
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
194			
	838.22	2nd	Bid tampering.
195			
	<u>847.0135 (3)</u>	<u>3rd</u>	<u>Solicitation of a child, via a computer service, to commit an unlawful sex act.</u>
196			
	872.06	2nd	Abuse of a dead human body.
197			
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal

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198	893.13 (1) (e) 1.	1st	park or publicly owned recreational facility or community center.
199	893.13 (4) (a)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.
200	893.135 (1) (a) 1.	1st	Deliver to minor cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs). Trafficking in cannabis, more than

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201	893.135 (1) (b) 1.a.	1st	25 lbs., less than 2,000 lbs.
202	893.135 (1) (c) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
203	893.135 (1) (d) 1.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
204	893.135 (1) (e) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
205	893.135 (1) (f) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
206			Trafficking in amphetamine, more than 14 grams, less than 28 grams.

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207	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
208	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
209	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
210	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
211	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.

