



1 any justice or judge of a court described in Art. V of the  
2 State Constitution, which offense arises out of or in the  
3 scope of the officer's duty as a law enforcement or  
4 correctional officer, the state attorney's or assistant state  
5 attorney's duty as a prosecutor or investigator, or the  
6 justice's or judge's duty as a judicial officer, as follows:

7 (1) For murder in the first degree as described in s.  
8 782.04(1), if the death sentence is not imposed, a sentence of  
9 imprisonment for life without eligibility for release.

10 (2) For attempted murder in the first degree as  
11 described in s. 782.04(1), a sentence pursuant to s. 775.082,  
12 s. 775.083, or s. 775.084.

13 (3) For attempted felony murder as described in s.  
14 782.051(1), (2), or (3), a sentence pursuant to s. 775.082, s.  
15 775.083, or s. 775.084.

16 ~~(4)(3)~~ For murder in the second degree as described in  
17 s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.  
18 775.083, or s. 775.084.

19 ~~(5)(4)~~ For attempted murder in the second degree as  
20 described in s. 782.04(2) and (3), a sentence pursuant to s.  
21 775.082, s. 775.083, or s. 775.084.

22 ~~(6)(5)~~ For murder in the third degree as described in  
23 s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083,  
24 or s. 775.084.

25 ~~(7)(6)~~ For attempted murder in the third degree as  
26 described in s. 782.04(4), a sentence pursuant to s. 775.082,  
27 s. 775.083, or s. 775.084.

28 ~~(8)(7)~~ For manslaughter as described in s. 782.07  
29 during the commission of a crime, a sentence pursuant to s.  
30 775.082, s. 775.083, or s. 775.084.

31



1 sentencing court, twelve (12) community sanction violation  
2 points are assessed for such violation, and for each  
3 successive community sanction violation involving a new felony  
4 conviction. Multiple counts of community sanction violations  
5 before the sentencing court shall not be a basis for  
6 multiplying the assessment of community sanction violation  
7 points.

8  
9 Prior serious felony points: If the offender has a primary  
10 offense or any additional offense ranked in level 8, level 9,  
11 or level 10, and one or more prior serious felonies, a single  
12 assessment of 30 points shall be added. For purposes of this  
13 section, a prior serious felony is an offense in the  
14 offender's prior record that is ranked in level 8, level 9, or  
15 level 10 under s. 921.0022 or s. 921.0023 and for which the  
16 offender is serving a sentence of confinement, supervision, or  
17 other sanction or for which the offender's date of release  
18 from confinement, supervision, or other sanction, whichever is  
19 later, is within 3 years before the date the primary offense  
20 or any additional offense was committed.

21  
22 Prior capital felony points: If the offender has one or more  
23 prior capital felonies in the offender's criminal record,  
24 points shall be added to the subtotal sentence points of the  
25 offender equal to twice the number of points the offender  
26 receives for the primary offense and any additional offense. A  
27 prior capital felony in the offender's criminal record is a  
28 previous capital felony offense for which the offender has  
29 entered a plea of nolo contendere or guilty or has been found  
30 guilty; or a felony in another jurisdiction which is a capital  
31

1 felony in that jurisdiction, or would be a capital felony if  
2 the offense were committed in this state.

3  
4 Possession of a firearm, semiautomatic firearm, or machine  
5 gun: If the offender is convicted of committing or attempting  
6 to commit any felony other than those enumerated in s.  
7 775.087(2) while having in his or her possession: a firearm as  
8 defined in s. 790.001(6), an additional 18 sentence points are  
9 assessed; or if the offender is convicted of committing or  
10 attempting to commit any felony other than those enumerated in  
11 s. 775.087(3) while having in his or her possession a  
12 semiautomatic firearm as defined in s. 775.087(3) or a machine  
13 gun as defined in s. 790.001(9), an additional 25 sentence  
14 points are assessed.

15  
16 Sentencing multipliers:

17  
18 Drug trafficking: If the primary offense is drug trafficking  
19 under s. 893.135, the subtotal sentence points are multiplied,  
20 at the discretion of the court, for a level 7 or level 8  
21 offense, by 1.5. The state attorney may move the sentencing  
22 court to reduce or suspend the sentence of a person convicted  
23 of a level 7 or level 8 offense, if the offender provides  
24 substantial assistance as described in s. 893.135(4).

25  
26 Law enforcement protection: If the primary offense is a  
27 violation of the Law Enforcement Protection Act under s.  
28 775.0823(2), (3), or (4), the subtotal sentence points are  
29 multiplied by 2.5. If the primary offense is a violation of  
30 s. 775.0823(3), (4), (5), (6), (7), ~~or~~ (8), or (9), the  
31 subtotal sentence points are multiplied by 2.0. If the primary

1 offense is a violation of s. 784.07(3) or s. 775.0875(1), or  
2 of the Law Enforcement Protection Act under s. 775.0823~~(9)~~ or  
3 (10) or (11), the subtotal sentence points are multiplied by  
4 1.5.

5  
6 Grand theft of a motor vehicle: If the primary offense is  
7 grand theft of the third degree involving a motor vehicle and  
8 in the offender's prior record, there are three or more grand  
9 thefts of the third degree involving a motor vehicle, the  
10 subtotal sentence points are multiplied by 1.5.

11  
12 Offense related to a criminal street gang: If the offender is  
13 convicted of the primary offense and committed that offense  
14 for the purpose of benefiting, promoting, or furthering the  
15 interests of a criminal street gang as prohibited under s.  
16 874.04, the subtotal sentence points are multiplied by 1.5.

17  
18 Domestic violence in the presence of a child: If the offender  
19 is convicted of the primary offense and the primary offense is  
20 a crime of domestic violence, as defined in s. 741.28, which  
21 was committed in the presence of a child under 16 years of age  
22 who is a family or household member as defined in s. 741.28(3)  
23 with the victim or perpetrator, the subtotal sentence points  
24 are multiplied by 1.5.

25 Section 3. Subsection (3) of section 947.146, Florida  
26 Statutes, is amended to read:

27 947.146 Control Release Authority.--

28 (3) Within 120 days prior to the date the state  
29 correctional system is projected pursuant to s. 216.136 to  
30 exceed 99 percent of total capacity, the authority shall  
31 determine eligibility for and establish a control release date

1 | for an appropriate number of parole ineligible inmates  
2 | committed to the department and incarcerated within the state  
3 | who have been determined by the authority to be eligible for  
4 | discretionary early release pursuant to this section. In  
5 | establishing control release dates, it is the intent of the  
6 | Legislature that the authority prioritize consideration of  
7 | eligible inmates closest to their tentative release date. The  
8 | authority shall rely upon commitment data on the offender  
9 | information system maintained by the department to initially  
10 | identify inmates who are to be reviewed for control release  
11 | consideration. The authority may use a method of objective  
12 | risk assessment in determining if an eligible inmate should be  
13 | released. Such assessment shall be a part of the department's  
14 | management information system. However, the authority shall  
15 | have sole responsibility for determining control release  
16 | eligibility, establishing a control release date, and  
17 | effectuating the release of a sufficient number of inmates to  
18 | maintain the inmate population between 99 percent and 100  
19 | percent of total capacity. Inmates who are ineligible for  
20 | control release are inmates who are parole eligible or inmates  
21 | who:

22 |       (a) Are serving a sentence that includes a mandatory  
23 | minimum provision for a capital offense or drug trafficking  
24 | offense and have not served the number of days equal to the  
25 | mandatory minimum term less any jail-time credit awarded by  
26 | the court;

27 |       (b) Are serving the mandatory minimum portion of a  
28 | sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

29 |       (c) Are convicted, or have been previously convicted,  
30 | of committing or attempting to commit sexual battery, incest,  
31 | or any of the following lewd or indecent assaults or acts:

1 | masturbating in public; exposing the sexual organs in a  
2 | perverted manner; or nonconsensual handling or fondling of the  
3 | sexual organs of another person;

4 |         (d) Are convicted, or have been previously convicted,  
5 | of committing or attempting to commit assault, aggravated  
6 | assault, battery, or aggravated battery, and a sex act was  
7 | attempted or completed during commission of such offense;

8 |         (e) Are convicted, or have been previously convicted,  
9 | of committing or attempting to commit kidnapping, burglary, or  
10 | murder, and the offense was committed with the intent to  
11 | commit sexual battery or a sex act was attempted or completed  
12 | during commission of the offense;

13 |         (f) Are convicted, or have been previously convicted,  
14 | of committing or attempting to commit false imprisonment upon  
15 | a child under the age of 13 and, in the course of committing  
16 | the offense, the inmate committed aggravated child abuse,  
17 | sexual battery against the child, or a lewd or lascivious  
18 | offense committed upon or in the presence of a person less  
19 | than 16 years of age;

20 |         (g) Are sentenced, have previously been sentenced, or  
21 | have been sentenced at any time under s. 775.084, or have been  
22 | sentenced at any time in another jurisdiction as a habitual  
23 | offender;

24 |         (h) Are convicted, or have been previously convicted,  
25 | of committing or attempting to commit assault, aggravated  
26 | assault, battery, aggravated battery, kidnapping,  
27 | manslaughter, or murder against an officer as defined in s.  
28 | 943.10(1), (2), (3), (6), (7), (8), or (9); against a state  
29 | attorney or assistant state attorney; or against a justice or  
30 | judge of a court described in Art. V of the State  
31 | Constitution; or against an officer, judge, or state attorney



1 employed in a comparable position by any other jurisdiction;  
2 ~~or~~  
3 (i) Are convicted, or have been previously convicted,  
4 of committing or attempting to commit murder in the first,  
5 second, or third degree under s. 782.04(1), (2), (3), or (4),  
6 or have ever been convicted of any degree of murder or  
7 attempted murder in another jurisdiction;  
8 (j) Are convicted, or have been previously convicted,  
9 of DUI manslaughter under s. 316.193(3)(c)3., and are  
10 sentenced, or have been sentenced at any time, as a habitual  
11 offender for such offense, or have been sentenced at any time  
12 in another jurisdiction as a habitual offender for such  
13 offense;  
14 (k)1. Are serving a sentence for an offense committed  
15 on or after January 1, 1994, for a violation of the Law  
16 Enforcement Protection Act under s. 775.0823(2), (3), (4), ~~or~~  
17 (5), or (6), and the subtotal of the offender's sentence  
18 points is multiplied pursuant to former s. 921.0014 or s.  
19 921.0024;  
20 2. Are serving a sentence for an offense committed on  
21 or after October 1, 1995, for a violation of the Law  
22 Enforcement Protection Act under s. 775.0823(2), (3), (4),  
23 (5), (6), (7), ~~or~~ (8), or (9), and the subtotal of the  
24 offender's sentence points is multiplied pursuant to former s.  
25 921.0014 or s. 921.0024;  
26 (l) Are serving a sentence for an offense committed on  
27 or after January 1, 1994, for possession of a firearm,  
28 semiautomatic firearm, or machine gun in which additional  
29 points are added to the subtotal of the offender's sentence  
30 points pursuant to former s. 921.0014 or s. 921.0024; or  
31

1 (m) Are convicted, or have been previously convicted,  
2 of committing or attempting to commit manslaughter,  
3 kidnapping, robbery, carjacking, home-invasion robbery, or a  
4 burglary under s. 810.02(2).

5  
6 In making control release eligibility determinations under  
7 this subsection, the authority may rely on any document  
8 leading to or generated during the course of the criminal  
9 proceedings, including, but not limited to, any presentence or  
10 postsentence investigation or any information contained in  
11 arrest reports relating to circumstances of the offense.

12 Section 4. This act shall take effect October 1, 2006.

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15 SENATE SUMMARY

16 Prohibits suspending, deferring, or withholding  
17 adjudication of guilt or imposition of sentence if the  
18 offense is an attempted felony murder committed against a  
19 law enforcement officer, correctional officer, state  
20 attorney, assistant state attorney, justice, or judge.  
21 Conforms the worksheet of the Criminal Punishment Code.