

Bill No. SB 2108

Barcode 903600

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: RCS
04/19/2006 09:24 PM

.
. .
. .
. .
. .
. .

The Committee on Criminal Justice (Crist) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Sections 316.027 and 316.193, Florida Statutes, may be cited as the "Adam Arnold Act."

Section 2. Subsection (1) of section 316.027, Florida Statutes, is amended to read:

316.027 Crash involving death or personal injuries.--

(1)(a) The driver of any vehicle involved in a crash resulting in injury of any person must immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062. Any person who willfully violates this paragraph ~~commits is guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The driver of any vehicle involved in a crash

Bill No. SB 2108

Barcode 903600

1 resulting in the death of any person must immediately stop the
 2 vehicle at the scene of the crash, or as close thereto as
 3 possible, and must remain at the scene of the crash until he
 4 or she has fulfilled the requirements of s. 316.062. Any
 5 person who willfully violates this paragraph commits ~~is guilty~~
 6 ~~of~~ a felony of the second degree, punishable as provided in s.
 7 775.082, s. 775.083, or s. 775.084. Any person who willfully
 8 violates this paragraph while driving under the influence as
 9 set forth in s. 316.193(1) shall be sentenced to a mandatory
 10 minimum term of imprisonment of 2 years.

11 (c) Notwithstanding s. 775.089(1)(a), if the driver of
 12 a vehicle violates paragraph (a) or paragraph (b), the court
 13 shall order the driver to make restitution to the victim for
 14 any damage or loss unless the court finds clear and compelling
 15 reasons not to order the restitution. Restitution may be
 16 monetary or nonmonetary restitution. The court shall make the
 17 payment of restitution a condition of probation in accordance
 18 with s. 948.03. An order requiring the defendant to make
 19 restitution to a victim does not remove or diminish the
 20 requirement that the court order payment to the Crimes
 21 Compensation Trust Fund pursuant to chapter 960. Payment of an
 22 award by the Crimes Compensation Trust Fund creates an order
 23 of restitution to the Crimes Compensation Trust Fund unless
 24 specifically waived in accordance with s. 775.089(1)(b).

25 Section 3. Subsection (3) of section 316.193, Florida
 26 Statutes, is amended to read:

27 316.193 Driving under the influence; penalties.--

28 (3) Any person:

29 (a) Who is in violation of subsection (1);

30 (b) Who operates a vehicle; and

31 (c) Who, by reason of such operation, causes or

Bill No. SB 2108

Barcode 903600

1 contributes to causing:

2 1. Damage to the property or person of another commits
3 a misdemeanor of the first degree, punishable as provided in
4 s. 775.082 or s. 775.083.

5 2. Serious bodily injury to another, as defined in s.
6 316.1933, commits a felony of the third degree, punishable as
7 provided in s. 775.082, s. 775.083, or s. 775.084.

8 3. The death of any human being or unborn quick child
9 commits DUI manslaughter, and commits:

10 a. A felony of the second degree, punishable as
11 provided in s. 775.082, s. 775.083, or s. 775.084.

12 b. A felony of the first degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084, if:

14 (I) At the time of the crash, the person knew, or
15 should have known, that the crash occurred; and

16 (II) The person failed to give information and render
17 aid as required by s. 316.062.

18

19 For purposes of this subsection, the definition of the term
20 "unborn quick child" shall be determined in accordance with
21 the definition of viable fetus as set forth in s. 782.071. A
22 person who is convicted of DUI manslaughter shall be sentenced
23 to a mandatory minimum term of imprisonment of 4 years.

24 Section 4. Subsection (7) of section 921.0021, Florida
25 Statutes, is amended to read:

26 921.0021 Definitions.--As used in this chapter, for
27 any felony offense, except any capital felony, committed on or
28 after October 1, 1998, the term:

29 (7)(a) "Victim injury" means the physical injury or
30 death suffered by a person as a direct result of the primary
31 offense, or any additional offense, for which an offender is

Bill No. SB 2108

Barcode 903600

1 convicted and which is pending before the court for sentencing
2 at the time of the primary offense.

3 (b) Except as provided in paragraph (c) or paragraph
4 (d),

5 1. If the conviction is for an offense involving
6 sexual contact that includes sexual penetration, the sexual
7 penetration must be scored in accordance with the sentence
8 points provided under s. 921.0024 for sexual penetration,
9 regardless of whether there is evidence of any physical
10 injury.

11 2. If the conviction is for an offense involving
12 sexual contact that does not include sexual penetration, the
13 sexual contact must be scored in accordance with the sentence
14 points provided under s. 921.0024 for sexual contact,
15 regardless of whether there is evidence of any physical
16 injury.

17
18 If the victim of an offense involving sexual contact suffers
19 any physical injury as a direct result of the primary offense
20 or any additional offense committed by the offender resulting
21 in conviction, such physical injury must be scored separately
22 and in addition to the points scored for the sexual contact or
23 the sexual penetration.

24 (c) The sentence points provided under s. 921.0024 for
25 sexual contact or sexual penetration may not be assessed for a
26 violation of s. 944.35(3)(b)2.

27 (d) If the conviction is for the offense described in
28 s. 872.06, the sentence points provided under s. 921.0024 for
29 sexual contact or sexual penetration may not be assessed.

30 (e) Notwithstanding paragraph (a), if the conviction
31 is for an offense described in s. 316.027 and the court finds

Bill No. SB 2108

Barcode 903600

1 that the offender caused victim injury, sentence points for
2 victim injury may be assessed against the offender.

3 Section 5. This act shall take effect July 1, 2006.

4
5

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

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled
12 An act relating to vehicular accidents
13 involving death or personal injuries; providing
14 a short title; amending s. 316.027, F.S.;
15 requiring a court to sentence a driver of a
16 vehicle to a minimum term of imprisonment if
17 the person is driving under the influence and
18 leaves the scene of a crash that results in
19 death; requiring a court to order the driver of
20 a vehicle to make restitution to the victim for
21 any damage or loss if a driver leaves the scene
22 of an accident that results in injury or death;
23 requiring a court to make the payment of
24 restitution a condition of probation; providing
25 that an order requiring the defendant to make
26 restitution to a victim does not remove or
27 diminish the requirement that the court order
28 payment to the Crimes Compensation Trust Fund;
29 amending s. 316.193, F.S.; requiring that a
30 person convicted of DUI manslaughter be
31 sentenced to a mandatory minimum term of

Bill No. SB 2108

Barcode 903600

1 imprisonment; amending s. 921.0021, F.S.;

2 allowing assessment of victim injury points for

3 certain offenses if the court finds that the

4 offender caused victim injury; providing an

5 effective date.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31