

By the Committee on Criminal Justice

591-2133-07

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

A bill to be entitled

An act relating to the use of a minor to facilitate the commission of a crime; creating s. 775.0851, F.S.; requiring that a forcible felony be reclassified to the next higher degree if, during the commission or attempted commission of the offense, the offender was 18 years of age or older and willfully used, conspired with, or otherwise involved a person 13 years of age or older but younger than 18 years of age in committing the offense or in avoiding detection or apprehension for the offense; providing for ranking an enhanced offense under the sentencing guidelines; authorizing the court to sentence the offender to a term of imprisonment which is longer than otherwise required; providing an effective date.

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

Section 1. Section 775.0851, Florida Statutes, is created to read:

775.0851 Use of a minor to facilitate commission of a crime.--

(1) The felony degree of any forcible felony as defined in s. 776.08 shall be reclassified to the next higher degree as provided in this section if, during the commission or attempted commission of the offense, the offender was 18 years of age or older and if the offender willfully:

1 (a) Used or hired a person 13 years of age or older
2 but younger than 18 years of age as an agent or employee of
3 the offender or others to facilitate the commission or
4 attempted commission of the offense;

5 (b) Conspired with a person 13 years of age or older
6 but younger than 18 years of age to commit the offense;

7 (c) Solicited or otherwise caused a person 13 years of
8 age or older but younger than 18 years of age to commit or
9 attempt to commit the offense;

10 (d) Used a person 13 years of age or older but younger
11 than 18 years of age to aid or abet in the commission or
12 attempt to commit the offense; or

13 (e) Used a person 13 years of age or older but younger
14 than 18 years of age to assist or attempt to assist in
15 avoiding detection or apprehension for the offense.

16 (2)(a) In the case of a felony of the third degree,
17 the offense shall be reclassified to a felony of the second
18 degree.

19 (b) In the case of a felony of the second degree, the
20 offense shall be reclassified to a felony of the first degree.

21 (c) In the case of a felony of the first degree, the
22 offense shall be reclassified to a life felony.

23
24 For purposes of sentencing under chapter 921, a felony offense
25 that is reclassified under this subsection shall be ranked one
26 level above the ranking under s. 921.0022 or s. 921.0023 of
27 the offense committed.

28 (3) Notwithstanding any other provision of law, the
29 court may sentence the offender as follows:

1 (a) In the case of an offense reclassified under this
2 section to a life felony or a felony of the first degree, for
3 life.

4 (b) In the case of an offense reclassified under this
5 section to a felony of the second degree, for a term of years
6 not exceeding 30.

7 Section 2. This act shall take effect July 1, 2007.

8
9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 1978

- 12 - Requires a "willful" act.
13 - Limits the felony and penalty provisions of the bill to
14 forcible felonies.
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31