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1 A bill to be entitled
2 An act relating to vehicular incidents involving death or
3 personal injuries; providing a short title; amending s.
4 316.027, F.S.; requiring a court to sentence a driver of a
5 vehicle to a minimum term of imprisonment if the person is
6 driving under the influence and leaves the scene of a
7 crash that results in death; requiring a court to order
8 the driver of a vehicle to make restitution to the victim
9 for any damage or loss if a driver leaves the scene of an
10 accident that results in injury or death; requiring a
11 court to make the payment of restitution a condition of
12 probation; providing that an order requiring the defendant
13 to make restitution to a victim does not remove or
14 diminish the requirement that the court order payment to
15 the Crimes Compensation Trust Fund; amending s. 316.193,
16 F.S.; requiring that a person convicted of DUI
17 manslaughter be sentenced to a mandatory minimum term of
18 imprisonment; amending s. 921.0021, F.S.; allowing
19 assessment of victim injury points for certain offenses if
20 the court finds that the offender caused victim injury;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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

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

29 316.027 Crash involving death or personal injuries.--

30 (1) (a) The driver of any vehicle involved in a crash
31 occurring on public or private property that results in injury
32 of any person must immediately stop the vehicle at the scene of
33 the crash, or as close thereto as possible, and must remain at
34 the scene of the crash until he or she has fulfilled the
35 requirements of s. 316.062. Any person who willfully violates
36 this paragraph commits a felony of the third degree, punishable
37 as provided in s. 775.082, s. 775.083, or s. 775.084.

38 (b) The driver of any vehicle involved in a crash
39 occurring on public or private property that results in the
40 death of any person must immediately stop the vehicle at the
41 scene of the crash, or as close thereto as possible, and must
42 remain at the scene of the crash until he or she has fulfilled
43 the requirements of s. 316.062. Any person who willfully
44 violates this paragraph commits a felony of the first degree,
45 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
46 Any person who willfully violates this paragraph while driving
47 under the influence as set forth in s. 316.193(1) shall be
48 sentenced to a mandatory minimum term of imprisonment of 2
49 years.

50 (c) Notwithstanding s. 775.089(1) (a), if the driver of a
51 vehicle violates paragraph (a) or paragraph (b), the court shall
52 order the driver to make restitution to the victim for any
53 damage or loss unless the court finds clear and compelling
54 reasons not to order the restitution. Restitution may be
55 monetary or nonmonetary restitution. The court shall make the
56 payment of restitution a condition of probation in accordance

57 with s. 948.03. An order requiring the defendant to make
 58 restitution to a victim does not remove or diminish the
 59 requirement that the court order payment to the Crimes
 60 Compensation Trust Fund under chapter 960. Payment of an award
 61 by the Crimes Compensation Trust Fund creates an order of
 62 restitution to the Crimes Compensation Trust Fund unless
 63 specifically waived in accordance with s. 775.089(1)(b).

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

66 316.193 Driving under the influence; penalties.--

67 (3) Any person:

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

69 (b) Who operates a vehicle; and

70 (c) Who, by reason of such operation, causes or
 71 contributes to causing:

72 1. Damage to the property or person of another commits a
 73 misdemeanor of the first degree, punishable as provided in s.
 74 775.082 or s. 775.083.

75 2. Serious bodily injury to another, as defined in s.
 76 316.1933, commits a felony of the third degree, punishable as
 77 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

88
 89 For purposes of this subsection, the definition of the term
 90 "unborn quick child" shall be determined in accordance with the
 91 definition of viable fetus as set forth in s. 782.071. A person
 92 who is convicted of DUI manslaughter shall be sentenced to a
 93 mandatory minimum term of imprisonment of 4 years.

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

96 921.0021 Definitions.--As used in this chapter, for any
 97 felony offense, except any capital felony, committed on or after
 98 October 1, 1998, the term:

99 (7) (a) "Victim injury" means the physical injury or death
 100 suffered by a person as a direct result of the primary offense,
 101 or any additional offense, for which an offender is convicted
 102 and which is pending before the court for sentencing at the time
 103 of the primary offense.

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

105 1. If the conviction is for an offense involving sexual
 106 contact that includes sexual penetration, the sexual penetration
 107 must be scored in accordance with the sentence points provided
 108 under s. 921.0024 for sexual penetration, regardless of whether
 109 there is evidence of any physical injury.

110 2. If the conviction is for an offense involving sexual
 111 contact that does not include sexual penetration, the sexual

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112 contact must be scored in accordance with the sentence points
113 provided under s. 921.0024 for sexual contact, regardless of
114 whether there is evidence of any physical injury.

115
116 If the victim of an offense involving sexual contact suffers any
117 physical injury as a direct result of the primary offense or any
118 additional offense committed by the offender resulting in
119 conviction, such physical injury must be scored separately and
120 in addition to the points scored for the sexual contact or the
121 sexual penetration.

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

125 (d) If the conviction is for the offense described in s.
126 872.06, the sentence points provided under s. 921.0024 for
127 sexual contact or sexual penetration may not be assessed.

128 (e) Notwithstanding paragraph (a), if the conviction is
129 for an offense described in s. 316.027 and the court finds that
130 the offender caused victim injury, sentence points for victim
131 injury may be assessed against the offender.

132 Section 5. This act shall take effect July 1, 2007.