

591-992A-07

1 A bill to be entitled  
2 An act relating to the use of a minor to  
3 facilitate the commission of a crime; creating  
4 s. 775.0849, F.S.; requiring that an offense be  
5 reclassified to the next higher degree if,  
6 during the commission or attempted commission  
7 of the offense, the offender was 18 years of  
8 age or older and used, conspired with, or  
9 otherwise involved a person younger than 18  
10 years of age in committing the offense or in  
11 avoiding detection or apprehension for the  
12 offense; providing for ranking an enhanced  
13 offense under the sentencing guidelines;  
14 authorizing the court to sentence the offender  
15 to a term of imprisonment which is longer than  
16 otherwise required; providing an effective  
17 date.

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

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21 Section 1. Section 775.0849, Florida Statutes, is  
22 created to read:

23 775.0849 Use of a minor to facilitate commission of a  
24 crime.--

25 (1) The felony or misdemeanor degree of any criminal  
26 offense shall be reclassified to the next higher degree as  
27 provided in this section if, during the commission or  
28 attempted commission of the offense, the offender was 18 years  
29 of age or older and if the offender:

30 (a) Used or hired a person younger than 18 years of  
31 age as an agent or employee of the offender or others to

1 facilitate the commission or attempted commission of the  
2 offense;  
3 (b) Conspired with a person younger than 18 years of  
4 age to commit the offense;  
5 (c) Solicited or otherwise caused a person younger  
6 than 18 years of age to commit or attempt to commit the  
7 offense;  
8 (d) Used a person younger than 18 years of age to aid  
9 or abet in the commission or attempt to commit the offense; or  
10 (e) Used a person younger than 18 years of age to  
11 assist or attempt to assist in avoiding detection or  
12 apprehension for the offense.  
13 (2)(a) In the case of a misdemeanor of the second  
14 degree, the offense shall be reclassified to a misdemeanor of  
15 the first degree.  
16 (b) In the case of a misdemeanor of the first degree,  
17 the offense shall be reclassified to a felony of the third  
18 degree. For purposes of sentencing under chapter 921 and  
19 determining incentive gain-time eligibility under chapter 944,  
20 such offense shall be ranked in level 2 of the offense  
21 severity ranking chart.  
22 (3)(a) In the case of a felony of the third degree,  
23 the offense shall be reclassified to a felony of the second  
24 degree.  
25 (b) In the case of a felony of the second degree, the  
26 offense shall be reclassified to a felony of the first degree.  
27 (c) In the case of a felony of the first degree, the  
28 offense shall be reclassified to a life felony.  
29  
30 For purposes of sentencing under chapter 921, a felony offense  
31 that is reclassified under this subsection shall be ranked one

1 level above the ranking under s. 921.0012, s. 921.0013, s.  
2 921.0022, or s. 921.0023 of the offense committed.

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

5 (a) In the case of an offense reclassified under this  
6 section to a life felony or a felony of the first degree, for  
7 life.

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

11 (c) In the case of an offense reclassified under this  
12 section to a felony of the third degree, for a term of years  
13 not exceeding 10.

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

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17 SENATE SUMMARY

18 Provides for imposing enhanced penalties against an  
19 offender who uses a person younger than 18 years of age  
20 in facilitating the commission of a crime. Requires that  
21 the offense be reclassified to the next higher degree.  
22 Provides for ranking an offense reclassified under the  
23 act for purposes of sentencing. Authorizes the court to  
24 sentence the offender to a term of imprisonment which is  
25 longer than otherwise required.  
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