



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

3           316.027 Crash involving death or personal injuries.--

4           (1)(a) The driver of any vehicle involved in a crash  
5 occurring on public or private property that results in injury  
6 of any person must immediately stop the vehicle at the scene  
7 of the crash, or as close thereto as possible, and must remain  
8 at the scene of the crash until he or she has fulfilled the  
9 requirements of s. 316.062. Any person who willfully violates  
10 this paragraph commits a felony of the third degree,  
11 punishable as provided in s. 775.082, s. 775.083, or s.  
12 775.084.

13           (b) The driver of any vehicle involved in a crash  
14 occurring on public or private property that results in the  
15 death of any person must immediately stop the vehicle at the  
16 scene of the crash, or as close thereto as possible, and must  
17 remain at the scene of the crash until he or she has fulfilled  
18 the requirements of s. 316.062. Any person who willfully  
19 violates this paragraph commits a felony of the first degree,  
20 punishable as provided in s. 775.082, s. 775.083, or s.  
21 775.084. Any person who willfully violates this paragraph  
22 while driving under the influence as set forth in s.  
23 316.193(1) shall be sentenced to a mandatory minimum term of  
24 imprisonment of 2 years.

25           (c) Notwithstanding s. 775.089(1)(a), if the driver of  
26 a vehicle violates paragraph (a) or paragraph (b), the court  
27 shall order the driver to make restitution to the victim for  
28 any damage or loss unless the court finds clear and compelling  
29 reasons not to order the restitution. Restitution may be  
30 monetary or nonmonetary restitution. The court shall make the  
31 payment of restitution a condition of probation in accordance

1 with s. 948.03. An order requiring the defendant to make  
2 restitution to a victim does not remove or diminish the  
3 requirement that the court order payment to the Crimes  
4 Compensation Trust Fund under chapter 960. Payment of an award  
5 by the Crimes Compensation Trust Fund creates an order of  
6 restitution to the Crimes Compensation Trust Fund unless  
7 specifically waived in accordance with s. 775.089(1)(b).

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

10 316.193 Driving under the influence; penalties.--

11 (3) Any person:

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

13 (b) Who operates a vehicle; and

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

16 1. Damage to the property or person of another commits  
17 a misdemeanor of the first degree, punishable as provided in  
18 s. 775.082 or s. 775.083.

19 2. Serious bodily injury to another, as defined in s.  
20 316.1933, commits a felony of the third degree, punishable as  
21 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

9 921.0021 Definitions.--As used in this chapter, for  
10 any felony offense, except any capital felony, committed on or  
11 after October 1, 1998, the term:

12 (7)(a) "Victim injury" means the physical injury or  
13 death suffered by a person as a direct result of the primary  
14 offense, or any additional offense, for which an offender is  
15 convicted and which is pending before the court for sentencing  
16 at the time of the primary offense.

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

19 1. If the conviction is for an offense involving  
20 sexual contact that includes sexual penetration, the sexual  
21 penetration must be scored in accordance with the sentence  
22 points provided under s. 921.0024 for sexual penetration,  
23 regardless of whether there is evidence of any physical  
24 injury.

25 2. If the conviction is for an offense involving  
26 sexual contact that does not include sexual penetration, the  
27 sexual contact must be scored in accordance with the sentence  
28 points provided under s. 921.0024 for sexual contact,  
29 regardless of whether there is evidence of any physical  
30 injury.

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1 | If the victim of an offense involving sexual contact suffers  
2 | any physical injury as a direct result of the primary offense  
3 | or any additional offense committed by the offender resulting  
4 | in conviction, such physical injury must be scored separately  
5 | and in addition to the points scored for the sexual contact or  
6 | the sexual penetration.

7 |         (c) The sentence points provided under s. 921.0024 for  
8 | sexual contact or sexual penetration may not be assessed for a  
9 | violation of s. 944.35(3)(b)2.

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

13 |         (e) Notwithstanding paragraph (a), if the conviction  
14 | is for an offense described in s. 316.027 and the court finds  
15 | that the offender caused victim injury, sentence points for  
16 | victim injury may be assessed against the offender.

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