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1 A bill to be entitled
2 An act relating to sexual offenses involving minors;
3 amending s. 787.025, F.S.; increasing the age limit of the
4 victim with regard to the criminal offense of luring or
5 enticing a child; amending s. 800.04, F.S.; increasing the
6 upper age limit of the victim from 16 years of age to 18
7 years of age with regard to certain lewd and lascivious
8 offenses; amending s. 827.04, F.S.; conforming a
9 provision; reenacting ss. 775.084(1)(d), 775.21(4)(a) and
10 (10)(b), 794.0115(2), 943.0435(1)(a), 944.606(1)(b),
11 944.607(1)(a), 948.06(8)(c), and 948.32(1), F.S., relating
12 to violent career criminals, habitual felony offenders and
13 habitual violent felony offenders, and three-time violent
14 felony offenders, sexual predator criteria, mandatory
15 sentencing for dangerous sexual felony offenders, the
16 registration requirement for sexual offenders,
17 notification upon release of sexual offenders,
18 notification of information on sexual offenders to the
19 Department of Law Enforcement, additional requirements
20 regarding a probationer or offender in community control,
21 and requirements regarding the arrest of persons for
22 certain sexual offenses, respectively, to incorporate the
23 amendments to ss. 787.025 and 800.04, F.S., in references
24 thereto; providing penalties; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsections (2) and (3) of section 787.025,

29 Florida Statutes, are amended to read:

30 787.025 Luring or enticing a child.--

31 (2) (a) A person 18 years of age or older who intentionally
 32 lures or entices, or attempts to lure or entice, a child under
 33 the age of 18 ~~12~~ into a structure, dwelling, or conveyance for
 34 other than a lawful purpose commits a misdemeanor of the first
 35 degree, punishable as provided in s. 775.082 or s. 775.083.

36 (b) A person 18 years of age or older who, having been
 37 previously convicted of a violation of paragraph (a),
 38 intentionally lures or entices, or attempts to lure or entice, a
 39 child under the age of 18 ~~12~~ into a structure, dwelling, or
 40 conveyance for other than a lawful purpose commits a felony of
 41 the third degree, punishable as provided in s. 775.082, s.
 42 775.083, or s. 775.084.

43 (c) A person 18 years of age or older who, having been
 44 previously convicted of a violation of chapter 794 or s. 800.04,
 45 or a violation of a similar law of another jurisdiction,
 46 intentionally lures or entices, or attempts to lure or entice, a
 47 child under the age of 18 ~~12~~ into a structure, dwelling, or
 48 conveyance for other than a lawful purpose commits a felony of
 49 the third degree, punishable as provided in s. 775.082, s.
 50 775.083, or s. 775.084.

51 (3) It is an affirmative defense to a prosecution under
 52 this section that:

53 (a) The person reasonably believed that his or her action
 54 was necessary to prevent the child from being seriously injured.

55 (b) The person lured or enticed, or attempted to lure or
 56 entice, the child under the age of 18 ~~12~~ into a structure,

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57 dwelling, or conveyance for a lawful purpose.

58 (c) The person's actions were reasonable under the
59 circumstances and the defendant did not have any intent to harm
60 the health, safety, or welfare of the child.

61 Section 2. Subsection (4), paragraphs (a), (c), and (d) of
62 subsection (5), paragraph (a) of subsection (6), and paragraphs
63 (a) and (b) of subsection (7) of section 800.04, Florida
64 Statutes, are amended to read:

65 800.04 Lewd or lascivious offenses committed upon or in
66 the presence of persons less than 18 ~~16~~ years of age.--

67 (4) LEWD OR LASCIVIOUS BATTERY.--A person who:

68 (a) Engages in sexual activity with a person 12 years of
69 age or older but less than 18 ~~16~~ years of age; or

70 (b) Encourages, forces, or entices any person less than 18
71 ~~16~~ years of age to engage in sadomasochistic abuse, sexual
72 bestiality, prostitution, or any other act involving sexual
73 activity

74
75 commits lewd or lascivious battery, a felony of the second
76 degree, punishable as provided in s. 775.082, s. 775.083, or s.
77 775.084.

78 (5) LEWD OR LASCIVIOUS MOLESTATION.--

79 (a) A person who intentionally touches in a lewd or
80 lascivious manner the breasts, genitals, genital area, or
81 buttocks, or the clothing covering them, of a person less than
82 18 ~~16~~ years of age, or forces or entices a person under 18 ~~16~~
83 years of age to so touch the perpetrator, commits lewd or
84 lascivious molestation.

85 (c)1. An offender less than 18 years of age who commits
 86 lewd or lascivious molestation against a victim less than 12
 87 years of age; or

88 2. An offender 18 years of age or older who commits lewd
 89 or lascivious molestation against a victim 12 years of age or
 90 older but less than 18 ~~16~~ years of age

91
 92 commits a felony of the second degree, punishable as provided in
 93 s. 775.082, s. 775.083, or s. 775.084.

94 (d) An offender less than 18 years of age who commits lewd
 95 or lascivious molestation against a victim 12 years of age or
 96 older but less than 18 ~~16~~ years of age commits a felony of the
 97 third degree, punishable as provided in s. 775.082, s. 775.083,
 98 or s. 775.084.

99 (6) LEWD OR LASCIVIOUS CONDUCT.--

100 (a) A person who:

101 1. Intentionally touches a person under 18 ~~16~~ years of age
 102 in a lewd or lascivious manner; or

103 2. Solicits a person under 18 ~~16~~ years of age to commit a
 104 lewd or lascivious act

105
 106 commits lewd or lascivious conduct.

107 (7) LEWD OR LASCIVIOUS EXHIBITION.--

108 (a) A person who:

109 1. Intentionally masturbates;

110 2. Intentionally exposes the genitals in a lewd or
 111 lascivious manner; or

112 3. Intentionally commits any other sexual act that does

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113 | not involve actual physical or sexual contact with the victim,
 114 | including, but not limited to, sadomasochistic abuse, sexual
 115 | bestiality, or the simulation of any act involving sexual
 116 | activity

117 |
 118 | in the presence of a victim who is less than 18 ~~16~~ years of age,
 119 | commits lewd or lascivious exhibition.

120 | (b) A person who:

121 | 1. Intentionally masturbates;

122 | 2. Intentionally exposes the genitals in a lewd or
 123 | lascivious manner; or

124 | 3. Intentionally commits any other sexual act that does
 125 | not involve actual physical or sexual contact with the victim,
 126 | including, but not limited to, sadomasochistic abuse, sexual
 127 | bestiality, or the simulation of any act involving sexual
 128 | activity

129 |
 130 | live over a computer online service, Internet service, or local
 131 | bulletin board service and who knows or should know or has
 132 | reason to believe that the transmission is viewed on a computer
 133 | or television monitor by a victim in this state who is less than
 134 | 18 ~~16~~ years of age, commits lewd or lascivious exhibition. The
 135 | fact that an undercover operative or law enforcement officer was
 136 | involved in the detection and investigation of an offense under
 137 | this paragraph shall not constitute a defense to a prosecution
 138 | under this paragraph.

139 | Section 3. Subsection (3) of section 827.04, Florida
 140 | Statutes, is amended to read:

141 827.04 Contributing to the delinquency or dependency of a
142 child; penalty.--

143 (3) A person 21 years of age or older who impregnates a
144 child under 16 years of age commits an act of child abuse which
145 constitutes a felony of the third degree, punishable as provided
146 in s. 775.082, s. 775.083, or s. 775.084. A person who
147 impregnates a child in violation of this subsection commits an
148 offense under this subsection regardless of whether the person
149 is found to have committed, or has been charged with or
150 prosecuted for, any other offense committed during the course of
151 the same criminal transaction or episode, including, but not
152 limited to, an offense proscribed under s. 800.04, relating to
153 lewd, lascivious, or indecent assault or act upon any person
154 under 18 ~~16~~ years of age. Neither the victim's lack of chastity
155 nor the victim's consent is a defense to the crime proscribed
156 under this subsection.

157 Section 4. For the purpose of incorporating the amendment
158 made by this act to section 800.04, Florida Statutes, in a
159 reference thereto, paragraph (d) of subsection (1) of section
160 775.084, Florida Statutes, is reenacted to read:

161 775.084 Violent career criminals; habitual felony
162 offenders and habitual violent felony offenders; three-time
163 violent felony offenders; definitions; procedure; enhanced
164 penalties or mandatory minimum prison terms.--

165 (1) As used in this act:

166 (d) "Violent career criminal" means a defendant for whom
167 the court must impose imprisonment pursuant to paragraph (4) (d),
168 if it finds that:

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169 1. The defendant has previously been convicted as an adult
170 three or more times for an offense in this state or other
171 qualified offense that is:

- 172 a. Any forcible felony, as described in s. 776.08;
173 b. Aggravated stalking, as described in s. 784.048(3) and
174 (4);
175 c. Aggravated child abuse, as described in s. 827.03(2);
176 d. Aggravated abuse of an elderly person or disabled
177 adult, as described in s. 825.102(2);
178 e. Lewd or lascivious battery, lewd or lascivious
179 molestation, lewd or lascivious conduct, or lewd or lascivious
180 exhibition, as described in s. 800.04;
181 f. Escape, as described in s. 944.40; or
182 g. A felony violation of chapter 790 involving the use or
183 possession of a firearm.

184 2. The defendant has been incarcerated in a state prison
185 or a federal prison.

186 3. The primary felony offense for which the defendant is
187 to be sentenced is a felony enumerated in subparagraph 1. and
188 was committed on or after October 1, 1995, and:

189 a. While the defendant was serving a prison sentence or
190 other sentence, or court-ordered or lawfully imposed supervision
191 that is imposed as a result of a prior conviction for an
192 enumerated felony; or

193 b. Within 5 years after the conviction of the last prior
194 enumerated felony, or within 5 years after the defendant's
195 release from a prison sentence, probation, community control,
196 control release, conditional release, parole, or court-ordered

197 or lawfully imposed supervision or other sentence that is
 198 imposed as a result of a prior conviction for an enumerated
 199 felony, whichever is later.

200 4. The defendant has not received a pardon for any felony
 201 or other qualified offense that is necessary for the operation
 202 of this paragraph.

203 5. A conviction of a felony or other qualified offense
 204 necessary to the operation of this paragraph has not been set
 205 aside in any postconviction proceeding.

206 Section 5. For the purpose of incorporating the amendments
 207 made by this act to sections 787.025 and 800.04, Florida
 208 Statutes, in references thereto, paragraph (a) of subsection (4)
 209 and paragraph (b) of subsection (10) of section 775.21, Florida
 210 Statutes, are reenacted to read:

211 775.21 The Florida Sexual Predators Act.--

212 (4) SEXUAL PREDATOR CRITERIA.--

213 (a) For a current offense committed on or after October 1,
 214 1993, upon conviction, an offender shall be designated as a
 215 "sexual predator" under subsection (5), and subject to
 216 registration under subsection (6) and community and public
 217 notification under subsection (7) if:

218 1. The felony is:

219 a. A capital, life, or first-degree felony violation, or
 220 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 221 is a minor and the defendant is not the victim's parent or
 222 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
 223 violation of a similar law of another jurisdiction; or

224 b. Any felony violation, or any attempt thereof, of s.

225 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
 226 minor and the defendant is not the victim's parent or guardian;
 227 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
 228 796.035; s. 800.04; s. 825.1025(2)(b); s. 827.071; s. 847.0145;
 229 or s. 985.701(1); or a violation of a similar law of another
 230 jurisdiction, and the offender has previously been convicted of
 231 or found to have committed, or has pled nolo contendere or
 232 guilty to, regardless of adjudication, any violation of s.
 233 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
 234 minor and the defendant is not the victim's parent or guardian;
 235 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
 236 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
 237 847.0135, excluding s. 847.0135(4); s. 847.0145; or s.
 238 985.701(1); or a violation of a similar law of another
 239 jurisdiction;

240 2. The offender has not received a pardon for any felony
 241 or similar law of another jurisdiction that is necessary for the
 242 operation of this paragraph; and

243 3. A conviction of a felony or similar law of another
 244 jurisdiction necessary to the operation of this paragraph has
 245 not been set aside in any postconviction proceeding.

246 (10) PENALTIES.--

247 (b) A sexual predator who has been convicted of or found
 248 to have committed, or has pled nolo contendere or guilty to,
 249 regardless of adjudication, any violation, or attempted
 250 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 251 the victim is a minor and the defendant is not the victim's
 252 parent or guardian; s. 794.011, excluding s. 794.011(10); s.

253 794.05; s. 796.03; s. 796.035; s. 800.04; s. 827.071; s.
 254 847.0133; s. 847.0145; or s. 985.701(1); or a violation of a
 255 similar law of another jurisdiction when the victim of the
 256 offense was a minor, and who works, whether for compensation or
 257 as a volunteer, at any business, school, day care center, park,
 258 playground, or other place where children regularly congregate,
 259 commits a felony of the third degree, punishable as provided in
 260 s. 775.082, s. 775.083, or s. 775.084.

261 Section 6. For the purpose of incorporating the amendments
 262 made by this act to sections 787.025 and 800.04, Florida
 263 Statutes, in references thereto, subsection (2) of section
 264 794.0115, Florida Statutes, is reenacted to read:

265 794.0115 Dangerous sexual felony offender; mandatory
 266 sentencing.--

267 (2) Any person who is convicted of a violation of s.
 268 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 269 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
 270 (4); or s. 847.0145; or of any similar offense under a former
 271 designation, which offense the person committed when he or she
 272 was 18 years of age or older, and the person:

273 (a) Caused serious personal injury to the victim as a
 274 result of the commission of the offense;

275 (b) Used or threatened to use a deadly weapon during the
 276 commission of the offense;

277 (c) Victimized more than one person during the course of
 278 the criminal episode applicable to the offense;

279 (d) Committed the offense while under the jurisdiction of
 280 a court for a felony offense under the laws of this state, for

281 an offense that is a felony in another jurisdiction, or for an
 282 offense that would be a felony if that offense were committed in
 283 this state; or

284 (e) Has previously been convicted of a violation of s.
 285 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 286 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
 287 (4); s. 847.0145; of any offense under a former statutory
 288 designation which is similar in elements to an offense described
 289 in this paragraph; or of any offense that is a felony in another
 290 jurisdiction, or would be a felony if that offense were
 291 committed in this state, and which is similar in elements to an
 292 offense described in this paragraph,

293
 294 is a dangerous sexual felony offender, who must be sentenced to
 295 a mandatory minimum term of 25 years imprisonment up to, and
 296 including, life imprisonment.

297 Section 7. For the purpose of incorporating the amendments
 298 made by this act to sections 787.025 and 800.04, Florida
 299 Statutes, in references thereto, paragraph (a) of subsection (1)
 300 of section 943.0435, Florida Statutes, is reenacted to read:

301 943.0435 Sexual offenders required to register with the
 302 department; penalty.--

- 303 (1) As used in this section, the term:
- 304 (a)1. "Sexual offender" means a person who meets the
 305 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 306 subparagraph c., or sub-subparagraph d., as follows:
- 307 a.(I) Has been convicted of committing, or attempting,
 308 soliciting, or conspiring to commit, any of the criminal

309 offenses proscribed in the following statutes in this state or
 310 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
 311 or s. 787.025(2)(c), where the victim is a minor and the
 312 defendant is not the victim's parent or guardian; s. 794.011,
 313 excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s.
 314 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 315 excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145;
 316 or s. 985.701(1); or any similar offense committed in this state
 317 which has been redesignated from a former statute number to one
 318 of those listed in this sub-sub-subparagraph; and

319 (II) Has been released on or after October 1, 1997, from
 320 the sanction imposed for any conviction of an offense described
 321 in sub-sub-subparagraph (I). For purposes of sub-sub-
 322 subparagraph (I), a sanction imposed in this state or in any
 323 other jurisdiction includes, but is not limited to, a fine,
 324 probation, community control, parole, conditional release,
 325 control release, or incarceration in a state prison, federal
 326 prison, private correctional facility, or local detention
 327 facility;

328 b. Establishes or maintains a residence in this state and
 329 who has not been designated as a sexual predator by a court of
 330 this state but who has been designated as a sexual predator, as
 331 a sexually violent predator, or by another sexual offender
 332 designation in another state or jurisdiction and was, as a
 333 result of such designation, subjected to registration or
 334 community or public notification, or both, or would be if the
 335 person were a resident of that state or jurisdiction, without
 336 regard to whether the person otherwise meets the criteria for

337 registration as a sexual offender;

338 c. Establishes or maintains a residence in this state who
 339 is in the custody or control of, or under the supervision of,
 340 any other state or jurisdiction as a result of a conviction for
 341 committing, or attempting, soliciting, or conspiring to commit,
 342 any of the criminal offenses proscribed in the following
 343 statutes or similar offense in another jurisdiction: s. 787.01,
 344 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 345 the defendant is not the victim's parent or guardian; s.
 346 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
 347 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
 348 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s.
 349 847.0145; or s. 985.701(1); or any similar offense committed in
 350 this state which has been redesignated from a former statute
 351 number to one of those listed in this sub-subparagraph; or

352 d. On or after July 1, 2007, has been adjudicated
 353 delinquent for committing, or attempting, soliciting, or
 354 conspiring to commit, any of the criminal offenses proscribed in
 355 the following statutes in this state or similar offenses in
 356 another jurisdiction when the juvenile was 14 years of age or
 357 older at the time of the offense:

358 (I) Section 794.011, excluding s. 794.011(10);

359 (II) Section 800.04(4)(b) where the victim is under 12
 360 years of age or where the court finds sexual activity by the use
 361 of force or coercion;

362 (III) Section 800.04(5)(c)1. where the court finds
 363 molestation involving unclothed genitals; or

364 (IV) Section 800.04(5)(d) where the court finds the use of

365 force or coercion and unclothed genitals.

366 2. For all qualifying offenses listed in sub-subparagraph
 367 (1)(a)1.d., the court shall make a written finding of the age of
 368 the offender at the time of the offense.

369
 370 For each violation of a qualifying offense listed in this
 371 subsection, the court shall make a written finding of the age of
 372 the victim at the time of the offense. For a violation of s.
 373 800.04(4), the court shall additionally make a written finding
 374 indicating that the offense did or did not involve sexual
 375 activity and indicating that the offense did or did not involve
 376 force or coercion. For a violation of s. 800.04(5), the court
 377 shall additionally make a written finding that the offense did
 378 or did not involve unclothed genitals or genital area and that
 379 the offense did or did not involve the use of force or coercion.

380 Section 8. For the purpose of incorporating the amendments
 381 made by this act to sections 787.025 and 800.04, Florida
 382 Statutes, in references thereto, paragraph (b) of subsection (1)
 383 of section 944.606, Florida Statutes, is reenacted to read:

384 944.606 Sexual offenders; notification upon release.--

385 (1) As used in this section:

386 (b) "Sexual offender" means a person who has been
 387 convicted of committing, or attempting, soliciting, or
 388 conspiring to commit, any of the criminal offenses proscribed in
 389 the following statutes in this state or similar offenses in
 390 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 391 where the victim is a minor and the defendant is not the
 392 victim's parent or guardian; s. 794.011, excluding s.

393 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 394 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 395 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s.
 396 985.701(1); or any similar offense committed in this state which
 397 has been redesignated from a former statute number to one of
 398 those listed in this subsection, when the department has
 399 received verified information regarding such conviction; an
 400 offender's computerized criminal history record is not, in and
 401 of itself, verified information.

402 Section 9. For the purpose of incorporating the amendments
 403 made by this act to sections 787.025 and 800.04, Florida
 404 Statutes, in references thereto, paragraph (a) of subsection (1)
 405 of section 944.607, Florida Statutes, is reenacted to read:

406 944.607 Notification to Department of Law Enforcement of
 407 information on sexual offenders.--

408 (1) As used in this section, the term:

409 (a) "Sexual offender" means a person who is in the custody
 410 or control of, or under the supervision of, the department or is
 411 in the custody of a private correctional facility:

412 1. On or after October 1, 1997, as a result of a
 413 conviction for committing, or attempting, soliciting, or
 414 conspiring to commit, any of the criminal offenses proscribed in
 415 the following statutes in this state or similar offenses in
 416 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 417 where the victim is a minor and the defendant is not the
 418 victim's parent or guardian; s. 794.011, excluding s.
 419 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 420 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.

421 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s.
 422 985.701(1); or any similar offense committed in this state which
 423 has been redesignated from a former statute number to one of
 424 those listed in this paragraph; or

425 2. Who establishes or maintains a residence in this state
 426 and who has not been designated as a sexual predator by a court
 427 of this state but who has been designated as a sexual predator,
 428 as a sexually violent predator, or by another sexual offender
 429 designation in another state or jurisdiction and was, as a
 430 result of such designation, subjected to registration or
 431 community or public notification, or both, or would be if the
 432 person were a resident of that state or jurisdiction, without
 433 regard as to whether the person otherwise meets the criteria for
 434 registration as a sexual offender.

435 Section 10. For the purpose of incorporating the
 436 amendments made by this act to sections 787.025 and 800.04,
 437 Florida Statutes, in references thereto, paragraph (c) of
 438 subsection (8) of section 948.06, Florida Statutes, is reenacted
 439 to read:

440 948.06 Violation of probation or community control;
 441 revocation; modification; continuance; failure to pay
 442 restitution or cost of supervision.--

443 (8)

444 (c) For purposes of this section, the term "qualifying
 445 offense" means any of the following:

446 1. Kidnapping or attempted kidnapping under s. 787.01,
 447 false imprisonment of a child under the age of 13 under s.
 448 787.02(3), or luring or enticing a child under s. 787.025(2)(b)

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- 449 or (c).
- 450 2. Murder or attempted murder under s. 782.04, attempted
 451 felony murder under s. 782.051, or manslaughter under s. 782.07.
- 452 3. Aggravated battery or attempted aggravated battery
 453 under s. 784.045.
- 454 4. Sexual battery or attempted sexual battery under s.
 455 794.011(2), (3), (4), or (8)(b) or (c).
- 456 5. Lewd or lascivious battery or attempted lewd or
 457 lascivious battery under s. 800.04(4), lewd or lascivious
 458 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
 459 conduct under s. 800.04(6)(b), or lewd or lascivious exhibition
 460 under s. 800.04(7)(c).
- 461 6. Robbery or attempted robbery under s. 812.13,
 462 carjacking or attempted carjacking under s. 812.133, or home
 463 invasion robbery or attempted home invasion robbery under s.
 464 812.135.
- 465 7. Lewd or lascivious offense upon or in the presence of
 466 an elderly or disabled person or attempted lewd or lascivious
 467 offense upon or in the presence of an elderly or disabled person
 468 under s. 825.1025.
- 469 8. Sexual performance by a child or attempted sexual
 470 performance by a child under s. 827.071.
- 471 9. Computer pornography under s. 847.0135(2) or (3),
 472 transmission of child pornography under s. 847.0137, or selling
 473 or buying of minors under s. 847.0145.
- 474 10. Poisoning food or water under s. 859.01.
- 475 11. Abuse of a dead human body under s. 872.06.
- 476 12. Any burglary offense or attempted burglary offense

477 that is either a first degree felony or second degree felony
 478 under s. 810.02(2) or (3).

479 13. Arson or attempted arson under s. 806.01(1).

480 14. Aggravated assault under s. 784.021.

481 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 482 (7).

483 16. Aircraft piracy under s. 860.16.

484 17. Unlawful throwing, placing, or discharging of a
 485 destructive device or bomb under s. 790.161(2), (3), or (4).

486 18. Treason under s. 876.32.

487 19. Any offense committed in another jurisdiction which
 488 would be an offense listed in this paragraph if that offense had
 489 been committed in this state.

490 Section 11. For the purpose of incorporating the
 491 amendments made by this act to sections 787.025 and 800.04,
 492 Florida Statutes, in references thereto, subsection (1) of
 493 section 948.32, Florida Statutes, is reenacted to read:

494 948.32 Requirements of law enforcement agency upon arrest
 495 of persons for certain sex offenses.--

496 (1) When any state or local law enforcement agency
 497 investigates or arrests a person for committing, or attempting,
 498 soliciting, or conspiring to commit, a violation of s.
 499 787.025(2)(c), chapter 794, s. 796.03, s. 800.04, s. 827.071, s.
 500 847.0133, s. 847.0135, or s. 847.0145, the law enforcement
 501 agency shall contact the Department of Corrections to verify
 502 whether the person under investigation or under arrest is on
 503 probation, community control, parole, conditional release, or
 504 control release.

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Section 12. This act shall take effect July 1, 2008.