

By Senator Fasano

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1 A bill to be entitled

2 An act relating to the distribution of material harmful to  
3 minors; amending s. 847.001, F.S.; redefining the term  
4 "harmful to minors"; amending s. 847.011, F.S.; providing  
5 that it is a third-degree felony for any person to sell,  
6 distribute, transmit, advertise, or to possess with the  
7 intent to sell, distribute, transmit, or advertise certain  
8 materials to minors; providing that ignorance of a minor's  
9 age or the minor's consent is not a defense in a  
10 prosecution for such a violation; amending s. 847.012,  
11 F.S.; prohibiting a person from knowingly using a minor in  
12 the production of certain materials, regardless of whether  
13 those materials are intended for distribution to minors or  
14 actually distributed to minors; providing a penalty;  
15 providing that ignorance of a minor's age or the minor's  
16 consent is not a defense in a prosecution for such a  
17 violation; amending s. 847.013, F.S.; providing that it is  
18 a first-degree misdemeanor for any person to knowingly use  
19 a minor in the production of certain materials depicting  
20 certain images, representations, or acts; providing that  
21 ignorance of a minor's age or the minor's consent is not a  
22 defense in a prosecution for such a violation; revising  
23 legislative intent concerning the enforcement of such laws  
24 with respect to minors; amending s. 847.0133, F.S.;  
25 providing that it is a felony of the third degree for any  
26 person to knowingly give away, distribute, transmit, or  
27 show any obscene material to a minor, display, distribute,  
28 transmit, or show erotic nudity to a minor, or distribute,  
29 display, transmit, or show erotic fondling to a minor;

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30 amending s. 921.0022, F.S., relating to the offense  
31 severity ranking chart of the Criminal Punishment Code;  
32 establishing offense levels to conform to changes made by  
33 the act; providing an effective date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. Subsection (6) of section 847.001, Florida  
38 Statutes, is amended to read:

39 847.001 Definitions.--As used in this chapter, the term:

40 (6) "Harmful to minors" means any reproduction, imitation,  
41 characterization, description, exhibition, presentation, or  
42 representation, of whatever kind or form, depicting nudity,  
43 sexual conduct, or sexual excitement when it:

44 (a) Predominantly appeals to the prurient, shameful, or  
45 morbid interest of minors;

46 (b) Is patently offensive to prevailing standards in the  
47 adult community as a whole with respect to what is suitable  
48 material or conduct for minors; and

49 (c) Taken as a whole, is without serious literary,  
50 artistic, political, or scientific value for minors.

51  
52 A mother's breastfeeding of her baby is not under any  
53 circumstance "harmful to minors."

54 Section 2. Subsections (1) and (2) of section 847.011,  
55 Florida Statutes, are amended to read:

56 847.011 Prohibition of certain acts in connection with  
57 obscene, lewd, etc., materials; penalty.--

58 (1)(a) Any person who knowingly sells, lends, gives away,

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59 distributes, transmits, shows, or transmutes, or offers to sell,  
60 lend, give away, distribute, transmit, show, or transmute, or has  
61 in his or her possession, custody, or control with intent to  
62 sell, lend, give away, distribute, transmit, show, transmute, or  
63 advertise in any manner, any obscene book, magazine, periodical,  
64 pamphlet, newspaper, comic book, story paper, written or printed  
65 story or article, writing, paper, card, picture, drawing,  
66 photograph, motion picture film, figure, image, phonograph  
67 record, or wire or tape or other recording, or any written,  
68 printed, or recorded matter of any such character which may or  
69 may not require mechanical or other means to be transmuted into  
70 auditory, visual, or sensory representations of such character,  
71 or any article or instrument for obscene use, or purporting to be  
72 for obscene use or purpose; or who knowingly designs, copies,  
73 draws, photographs, poses for, writes, prints, publishes, or in  
74 any manner whatsoever manufactures or prepares any such material,  
75 matter, article, or thing of any such character; or who knowingly  
76 writes, prints, publishes, or utters, or causes to be written,  
77 printed, published, or uttered, any advertisement or notice of  
78 any kind, giving information, directly or indirectly, stating, or  
79 purporting to state, where, how, of whom, or by what means any,  
80 or what purports to be any, such material, matter, article, or  
81 thing of any such character can be purchased, obtained, or had;  
82 or who in any manner knowingly hires, employs, uses, or permits  
83 any person knowingly to do or assist in doing any act or thing  
84 mentioned above, commits ~~is guilty of~~ a misdemeanor of the first  
85 degree, punishable as provided in s. 775.082 or s. 775.083. A  
86 person who, after having been convicted of a violation of this  
87 subsection, thereafter violates any of its provisions, commits ~~is~~

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88 ~~guilty~~ of a felony of the third degree, punishable as provided in  
89 s. 775.082, s. 775.083, or s. 775.084.

90 (b) The knowing possession by any person of three or more  
91 identical or similar materials, matters, articles, or things  
92 coming within the provisions of paragraph (a) is prima facie  
93 evidence of the violation of the ~~said~~ paragraph.

94 (c) A person who commits a violation of paragraph (a) or  
95 subsection (2) which is based on materials that depict a minor  
96 engaged in any act or conduct that is harmful to minors commits a  
97 felony of the third degree, punishable as provided in s. 775.082,  
98 s. 775.083, or s. 775.084.

99 (d) A person's ignorance of a minor's age, a minor's  
100 misrepresentation of his or her age, a bona fide belief of a  
101 minor's age, or a minor's consent may not be raised as a defense  
102 in a prosecution for one or more violations of paragraph (a) or  
103 subsection (2).

104 (2) A person who knowingly has in his or her possession,  
105 custody, or control any obscene book, magazine, periodical,  
106 pamphlet, newspaper, comic book, story paper, written or printed  
107 story or article, writing, paper, card, picture, drawing,  
108 photograph, motion picture film, film, any sticker, decal, emblem  
109 or other device attached to a motor vehicle containing obscene  
110 descriptions, photographs, or depictions, any figure, image,  
111 phonograph record, or wire or tape or other recording, or any  
112 written, printed, or recorded matter of any such character which  
113 may or may not require mechanical or other means to be transmuted  
114 into auditory, visual, or sensory representations of such  
115 character, or any article or instrument for obscene use, or  
116 purporting to be for obscene use or purpose, without intent to

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117 | sell, lend, give away, distribute, transmit, show, transmute, or  
118 | advertise the same, commits ~~is guilty of~~ a misdemeanor of the  
119 | second degree, punishable as provided in s. 775.082 or s.  
120 | 775.083. A person who, after having been convicted of violating  
121 | this subsection, thereafter violates any of its provisions  
122 | commits ~~is guilty of~~ a misdemeanor of the first degree,  
123 | punishable as provided in s. 775.082 or s. 775.083. In any  
124 | prosecution for such possession, it is ~~shall~~ not ~~be~~ necessary to  
125 | allege or prove the absence of such intent.

126 | Section 3. Section 847.012, Florida Statutes, is amended to  
127 | read:

128 | 847.012 Prohibition of sale or other distribution of  
129 | harmful materials to persons under 18 years of age; penalty.--

130 | (1) As used in this section, "knowingly" means having the  
131 | general knowledge of, reason to know, or a belief or ground for  
132 | belief which warrants further inspection or inquiry of both:

133 | (a) The character and content of any material described in  
134 | this section ~~herein~~ which is reasonably susceptible of  
135 | examination by the defendant; ~~7~~ and

136 | (b) The age of the minor; ~~however, an honest mistake shall~~  
137 | ~~constitute an excuse from liability hereunder if the defendant~~  
138 | ~~made a reasonable bona fide attempt to ascertain the true age of~~  
139 | ~~such minor.~~

140 | (2) A person's ignorance of a minor's age, a minor's  
141 | misrepresentation of his or her age, a bona fide belief of a  
142 | minor's age, or a minor's consent may not be raised as a defense  
143 | in a prosecution for a violation of subsection (4).

144 | (3) ~~(2)~~ A ~~It is unlawful for any person may not~~ knowingly ~~to~~  
145 | sell, rent, or loan for monetary consideration to a minor:

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146 (a) Any picture, photograph, drawing, sculpture, motion  
147 picture film, videocassette, or similar visual representation or  
148 image of a person or portion of the human body which depicts  
149 nudity or sexual conduct, sexual excitement, sexual battery,  
150 bestiality, or sadomasochistic abuse and which is harmful to  
151 minors;~~7~~ or

152 (b) Any book, pamphlet, magazine, printed matter however  
153 reproduced, or sound recording that ~~which~~ contains any matter  
154 defined in s. 847.001, explicit and detailed verbal descriptions  
155 or narrative accounts of sexual excitement, or sexual conduct and  
156 that ~~which~~ is harmful to minors.

157 (4) A person may not knowingly use a minor in the  
158 production of any material described in paragraph (3) (a) or  
159 paragraph (3) (b), regardless of whether the material is intended  
160 for distribution to minors or is actually distributed to minors.

161 (5)~~(3)~~ Any person violating any provision of this section  
162 commits ~~is guilty of~~ a felony of the third degree, punishable as  
163 provided in s. 775.082, s. 775.083, or s. 775.084.

164 (6)~~(4)~~ Every act, thing, or transaction forbidden by this  
165 section constitutes a separate offense and is punishable as such.

166 (7)~~(5)~~(a) The circuit court has jurisdiction to enjoin a  
167 violation of this section upon complaint filed by the state  
168 attorney in the name of the state upon the relation of such state  
169 attorney.

170 (b) After the filing of such a complaint, the judge to whom  
171 it is presented may grant an order restraining the person  
172 complained of until final hearing or further order of the court.  
173 Whenever the relator state attorney requests a judge of such  
174 court to set a hearing upon an application for ~~such~~ a restraining

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175 order, ~~the such~~ judge shall set ~~the such~~ hearing for a time  
176 within 3 days after the making of ~~the such~~ request. ~~The No such~~  
177 order may not shall be made unless ~~the such~~ judge is satisfied  
178 that sufficient notice of the application therefor has been given  
179 to the party restrained of the time when and place where the  
180 application for ~~the such~~ restraining order is to be made.

181 (c) The person sought to be enjoined is shall be entitled  
182 to a trial of the issues within 1 day after joinder of issue, and  
183 a decision shall be rendered by the court within 2 days after of  
184 the conclusion of the trial.

185 (d) ~~If In the event that~~ a final decree of injunction is  
186 entered, it must shall contain a provision directing the  
187 defendant having the possession, custody, or control of the  
188 materials, matters, articles, or things affected by the  
189 injunction to surrender the same to the sheriff and requiring the  
190 sheriff to seize and destroy the same. The sheriff shall file a  
191 certificate of her or his compliance.

192 (e) In any action brought as provided in this section, a no  
193 bond or undertaking may not shall be required of the state or the  
194 state attorney before the issuance of a restraining order  
195 provided for by paragraph (b), and ~~there shall be no liability on~~  
196 ~~the part of~~ the state or the state attorney may not be held  
197 liable for costs or for damages sustained by reason of ~~the such~~  
198 restraining order in any case where a final decree is rendered in  
199 favor of the person sought to be enjoined.

200 (f) Every person who has possession, custody, or control  
201 of, or otherwise deals with, any of the materials, matters,  
202 articles, or things described in this section, after the service  
203 upon her or him of a summons and complaint in an action for

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204 injunction brought under this section, is chargeable with  
205 knowledge of the contents and character thereof.

206 ~~(8)(6)~~ The several sheriffs and state attorneys shall  
207 vigorously enforce this section within their respective  
208 jurisdictions.

209 ~~(9)(7)~~ This section does not apply to the exhibition of  
210 motion pictures, shows, presentations, or other representations  
211 regulated under ~~the provisions of~~ s. 847.013.

212 Section 4. Section 847.013, Florida Statutes, is amended to  
213 read:

214 847.013 Exposing minors to or using minors in the  
215 production of harmful motion pictures, exhibitions, shows,  
216 presentations, or representations.--

217 (1) "KNOWINGLY" DEFINED.--As used in this section  
218 "knowingly" means having general knowledge of, reason to know, or  
219 a belief or ground for belief which warrants further inspection  
220 or inquiry of both:

221 (a) The character and content of any motion picture  
222 described herein which is reasonably susceptible of examination  
223 by the defendant, or the character of any exhibition,  
224 presentation, representation, or show described herein, other  
225 than a motion picture show, which is reasonably susceptible of  
226 being ascertained by the defendant;r and

227 (b) The age of the minor; ~~however, an honest mistake shall~~  
228 ~~constitute an excuse from liability hereunder if the defendant~~  
229 ~~made a reasonable bona fide attempt to ascertain the true age of~~  
230 ~~such minor.~~

231 (2) MINOR'S AGE.--A person's ignorance of a minor's age, a  
232 minor's misrepresentation of his or her age, a bona fide belief



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233 of a minor's age, or a minor's consent may not be raised as a  
234 defense in a prosecution for a violation of s. 847.012 or s.  
235 847.013.

236 (3)~~(2)~~ OFFENSES AND PENALTIES.--

237 (a) A ~~It is unlawful for any person~~ may not knowingly ~~to~~  
238 exhibit for a monetary consideration to a minor or knowingly ~~to~~  
239 sell or rent a videotape of a motion picture to a minor or  
240 knowingly sell to a minor an admission ticket or pass or  
241 knowingly admit a minor for a monetary consideration to premises  
242 whereon there is exhibited a motion picture, exhibition, show,  
243 representation, or other presentation which, in whole or in part,  
244 depicts nudity, sexual conduct, sexual excitement, sexual  
245 battery, bestiality, or sadomasochistic abuse and which is  
246 harmful to minors.

247 (b) A ~~It is unlawful for any person~~ may not knowingly ~~to~~  
248 rent or sell, or loan to a minor for monetary consideration, a  
249 videocassette or a videotape of a motion picture, or similar  
250 presentation, which, in whole or in part, depicts nudity, sexual  
251 conduct, sexual excitement, sexual battery, bestiality, or  
252 sadomasochistic abuse and which is harmful to minors.

253 (c) The provisions of paragraph (a) do not apply to a minor  
254 when the minor is accompanied by his or her parents or either of  
255 them.

256 (d) A ~~It is unlawful for any~~ minor may not ~~to~~ falsely  
257 represent to the owner of any premises mentioned in paragraph  
258 (a), or to the owner's agent, or to any person mentioned in  
259 paragraph (b), that the ~~such~~ minor is 17 years of age or older,  
260 with the intent to procure the ~~such~~ minor's admission to such  
261 premises, or the ~~such~~ minor's purchase or rental of a videotape,

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262 for a monetary consideration.

263 (e) A ~~It is unlawful for any person~~ may not ~~to~~ knowingly  
264 make a false representation to the owner of any premises  
265 mentioned in paragraph (a), or to the owner's agent, or to any  
266 person mentioned in paragraph (b), that he or she is the parent  
267 of any minor or that any minor is 17 years of age or older, with  
268 intent to procure the ~~such~~ minor's admission to the ~~such~~ premises  
269 or to aid the ~~such~~ minor in procuring admission thereto, or to  
270 aid or enable the ~~such~~ minor's purchase or rental of a videotape,  
271 for a monetary consideration.

272 (f) A person may not knowingly use a minor in the  
273 production of any material whereon there is exhibited a motion  
274 picture, exhibition, show, representation, or other presentation  
275 that, in whole or in part, depicts nudity, sexual conduct, sexual  
276 excitement, sexual battery, bestiality, or sadomasochistic abuse  
277 and that is harmful to minors.

278 (g) ~~(f)~~ A violation of any provision of this subsection  
279 constitutes a misdemeanor of the first degree, punishable as  
280 provided in s. 775.082 or s. 775.083.

281 (4) ~~(3)~~ INJUNCTIVE PROCEEDINGS.--

282 (a) The circuit court has jurisdiction to enjoin a  
283 threatened violation of subsection (2) upon complaint filed by  
284 the state attorney in the name of the state upon the relation of  
285 such state attorney.

286 (b) After the filing of such a complaint, the judge to whom  
287 it is presented may grant an order restraining the person or  
288 persons complained of until final hearing or further order of the  
289 court. Whenever the relator requests a judge of the ~~such~~ court to  
290 set a hearing upon an application for ~~such~~ a restraining order,

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291 ~~the such~~ judge shall set ~~the such~~ hearing for a time within 3  
292 days after the making of ~~the such~~ request. ~~An No such~~ order may  
293 not shall be made unless ~~the such~~ judge is satisfied that  
294 sufficient notice of the application therefor has been given to  
295 the person or persons restrained of the time when and place where  
296 the application for ~~the such~~ restraining order is to be heard.  
297 However, ~~the such~~ notice shall be dispensed with when it is  
298 manifest to ~~the such~~ judge, from the allegations of a sworn  
299 complaint or independent affidavit, sworn to by the relator or by  
300 some person associated with him or her in the field of law  
301 enforcement and filed by the relator, that the apprehended  
302 violation will be committed if an immediate remedy is not  
303 afforded.

304 (c) The person or persons sought to be enjoined are shall  
305 ~~be~~ entitled to a trial of the issues within 1 day after joinder  
306 of issue, and a decision shall be rendered by the court within 2  
307 days after the conclusion of the trial.

308 (d) In any action brought as provided in this section, a no  
309 bond or undertaking is not shall be required of the state or the  
310 relator state attorney before the issuance of a restraining order  
311 provided for by this section, and there is shall be no liability  
312 on the part of the state or the relator state attorney for costs  
313 or damages sustained by reason of such restraining order in any  
314 case in which a final decree is rendered in favor of the person  
315 or persons sought to be enjoined.

316 (e) Every person who has possession, custody, or control  
317 of, or otherwise deals with, any motion picture, exhibition,  
318 show, representation, or presentation described in this section,  
319 after the service upon him or her of a summons and complaint in

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320 an action for injunction brought under this section, is  
321 chargeable with knowledge of the contents or character thereof.

322 (5)~~(4)~~ LEGISLATIVE INTENT.--In order to make the  
323 application and enforcement of this section uniform throughout  
324 the state, it is the intent of the Legislature to preempt the  
325 field, to the exclusion of counties and municipalities, insofar  
326 as it concerns exposing persons under 17 years of age to harmful  
327 motion pictures, exhibitions, shows, representations, ~~and~~  
328 presentations, and commercial or sexual exploitation. To that  
329 end, it is hereby declared that every county ordinance and every  
330 municipal ordinance adopted prior to July 1, 1969, and relating  
331 to such subject shall stand abrogated and unenforceable on and  
332 after such date and that no county, municipality, or consolidated  
333 county-municipal government shall have the power to adopt any  
334 ordinance relating to that subject on or after such effective  
335 date.

336 Section 5. Section 847.0133, Florida Statutes, is amended  
337 to read:

338 847.0133 Protection of minors; prohibition of certain acts  
339 in connection with obscenity; prohibition of displaying erotic  
340 nudity or erotic fondling to minors; penalty.--

341 (1) A ~~It is unlawful for any person~~ may not knowingly ~~to~~  
342 sell, rent, loan, give away, distribute, transmit, or show any  
343 obscene material to a minor. For purposes of this section  
344 "obscene material" means any obscene book, magazine, periodical,  
345 pamphlet, newspaper, comic book, story paper, written or printed  
346 story or article, writing paper, card, picture, drawing,  
347 photograph, motion picture film, figure, image, videotape,  
348 videocassette, phonograph record, or wire or tape or other

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349 recording, or any written, printed, or recorded matter of any  
350 such character which may or may not require mechanical or other  
351 means to be transmuted into auditory, visual, or sensory  
352 representations of such character, or any article or instrument  
353 for obscene use, or purporting to be for obscene use or purpose.  
354 The term "obscene" has ~~shall have~~ the same meaning as set forth  
355 in s. 847.001.

356 (2) (a) A person may not knowingly sell, rent, loan, give  
357 away, distribute, transmit, or show any material displaying  
358 erotic nudity to a minor. As used in this subsection, the term  
359 "erotic nudity" means the display of the genitals, pubic area, or  
360 breasts of a person, or the undeveloped or developing genitals,  
361 breasts, or public area of a minor for the purpose of real or  
362 simulated overt sexual gratification or stimulation of a minor.  
363 Displaying erotic nudity means its inclusion in any book,  
364 magazine, periodical, pamphlet, newspaper, comic book, story  
365 paper, written or printed story or article, writing paper, card,  
366 picture, drawing, photograph, motion picture film, figure, image,  
367 videotape, videocassette, phonograph record, wire, tape, or other  
368 recording, or any written, printed, or recorded matter of any  
369 such character which may or may not require mechanical or other  
370 means to be transmuted into auditory, visual, or sensory  
371 representations of erotic nudity.

372 (b) A person may not knowingly sell, rent, loan, give away,  
373 distribute, transmit, or show any material displaying erotic  
374 fondling to a minor. As used in this subsection, the term "erotic  
375 fondling" means touching the clothed or unclothed genitals, pubic  
376 area, buttocks, or breasts of a person, or the developing or  
377 undeveloped genitals, pubic area, or breasts of a minor for the

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378 purpose of real or simulated overt sexual gratification or  
 379 stimulation of a minor. The term does not include physical  
 380 contact that is not for the purpose of real or simulated overt  
 381 sexual gratification or stimulation of a minor. Displaying erotic  
 382 fondling means its inclusion in any book, magazine, periodical,  
 383 pamphlet, newspaper, comic book, story paper, written or printed  
 384 story or article, writing paper, card, picture, drawing,  
 385 photograph, motion picture film, figure, image, videotape,  
 386 videocassette, phonograph record, wire, tape, or other recording,  
 387 or any written, printed, or recorded matter of any such character  
 388 which may or may not require mechanical or other means to be  
 389 transmuted into auditory, visual, or sensory representations of  
 390 erotic fondling.

391 (3)(2) As used in this section "knowingly" has the same  
 392 meaning set forth in s. 847.012(1). A "minor" is any person under  
 393 the age of 18 years.

394 (4)(3) A person who violates subsection (1) or subsection  
 395 (2) violation of the provisions of this section commits  
 396 constitutes a felony of the third degree, punishable as provided  
 397 in s. 775.082 or s. 775.083.

398 Section 6. Paragraph (f) of subsection (3) of section  
 399 921.0022, Florida Statutes, is amended to read:

400 921.0022 Criminal Punishment Code; offense severity ranking  
 401 chart.--

402 (3) OFFENSE SEVERITY RANKING CHART

403 (f) LEVEL 6

404

Florida	Felony	Description
Statute	Degree	

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405	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
406	499.0051 (3)	2nd	Forgery of pedigree papers.
407	499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
408	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
409	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
410	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
411	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
412	784.041	3rd	Felony battery; domestic battery by strangulation.
413	784.048 (3)	3rd	Aggravated stalking; credible threat.
414	784.048 (5)	3rd	Aggravated stalking of person under 16.

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415	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
416	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
417	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
418	784.081 (2)	2nd	Aggravated assault on specified official or employee.
419	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
420	784.083 (2)	2nd	Aggravated assault on code inspector.
421	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
422	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
423			



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424	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
425	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
426	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
427	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
428	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
429	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or

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older.

430

806.031 (2) 2nd Arson resulting in great  
bodily harm to firefighter or  
any other person.

431

810.02 (3) (c) 2nd Burglary of occupied  
structure; unarmed; no assault  
or battery.

432

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or  
more, but less than \$100,000,  
grand theft in 2nd degree.

433

812.014 (6) 2nd Theft; property stolen \$3,000  
or more; coordination of  
others.

434

812.015 (9) (a) 2nd Retail theft; property stolen  
\$300 or more; second or  
subsequent conviction.

435

812.015 (9) (b) 2nd Retail theft; property stolen  
\$3,000 or more; coordination  
of others.

436

812.13 (2) (c) 2nd Robbery, no firearm or other  
weapon (strong-arm robbery).

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438	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
439	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
440	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
441	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
442	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
443	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
444	827.03 (1)	3rd	Abuse of a child.
445	827.03 (3) (c)	3rd	Neglect of a child.
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.

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446	836.05	2nd	Threats; extortion.
447	836.10	2nd	Written threats to kill or do bodily injury.
448	843.12	3rd	Aids or assists person to escape.
449	<u>847.011</u>	<u>3rd</u>	<u>Distributing, offering to distribute, or possessing with intent to distribute obscene materials to minors or depicting minors.</u>
450	<u>847.012</u>	<u>3rd</u>	<u>Knowingly using a minor in the production of obscene or sexually explicit materials.</u>
451	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
452	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
453	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or

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inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

454

944.40 2nd Escapes.

455

944.46 3rd Harboring, concealing, aiding escaped prisoners.

456

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

457

951.22(1) 3rd Intoxicating drug, firearm, or weapon introduced into county facility.

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459

Section 7. This act shall take effect July 1, 2008.