

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 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 specified
17 violations; amending s. 847.013, F.S.; providing that it
18 is a first-degree misdemeanor for any person to knowingly
19 use a minor in the production of certain materials
20 depicting certain images, representations, or acts;
21 providing that ignorance of a minor's age or the minor's
22 consent is not a defense in a prosecution for specified
23 violations; revising legislative intent concerning the
24 enforcement of such laws with respect to minors; amending
25 s. 847.0133, F.S.; providing that it is a felony of the
26 third degree for any person to knowingly give away,
27 distribute, transmit, or show any obscene material to a
28 minor, display, distribute, transmit, or show erotic

29 | nudity to a minor, or distribute, display, transmit, or
 30 | show erotic fondling to a minor; amending s. 921.0022,
 31 | F.S., relating to the offense severity ranking chart of
 32 | the Criminal Punishment Code; establishing offense levels
 33 | to conform to changes made by the act; providing an
 34 | effective date.

35 |
 36 | Be It Enacted by the Legislature of the State of Florida:

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

40 | 847.001 Definitions.--As used in this chapter, the term:

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

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

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

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

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

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

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

59 (1) (a) Any person who knowingly sells, lends, gives away,
60 distributes, transmits, shows, or transmutes, or offers to sell,
61 lend, give away, distribute, transmit, show, or transmute, or
62 has in his or her possession, custody, or control with intent to
63 sell, lend, give away, distribute, transmit, show, transmute, or
64 advertise in any manner, any obscene book, magazine, periodical,
65 pamphlet, newspaper, comic book, story paper, written or printed
66 story or article, writing, paper, card, picture, drawing,
67 photograph, motion picture film, figure, image, phonograph
68 record, or wire or tape or other recording, or any written,
69 printed, or recorded matter of any such character which may or
70 may not require mechanical or other means to be transmuted into
71 auditory, visual, or sensory representations of such character,
72 or any article or instrument for obscene use, or purporting to
73 be for obscene use or purpose; or who knowingly designs, copies,
74 draws, photographs, poses for, writes, prints, publishes, or in
75 any manner whatsoever manufactures or prepares any such
76 material, matter, article, or thing of any such character; or
77 who knowingly writes, prints, publishes, or utters, or causes to
78 be written, printed, published, or uttered, any advertisement or
79 notice of any kind, giving information, directly or indirectly,
80 stating, or purporting to state, where, how, of whom, or by what
81 means any, or what purports to be any, such material, matter,
82 article, or thing of any such character can be purchased,
83 obtained, or had; or who in any manner knowingly hires, employs,
84 uses, or permits any person knowingly to do or assist in doing

85 any act or thing mentioned above, commits ~~is guilty of~~ a
86 misdemeanor of the first degree, punishable as provided in s.
87 775.082 or s. 775.083. A person who, after having been convicted
88 of a violation of this subsection, thereafter violates any of
89 its provisions, commits ~~is guilty of~~ a felony of the third
90 degree, punishable as provided in s. 775.082, s. 775.083, or s.
91 775.084.

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

96 (c) A person who commits a violation of paragraph (a) or
97 subsection (2) which is based on materials that depict a minor
98 engaged in any act or conduct that is harmful to minors commits
99 a felony of the third degree, punishable as provided in s.
100 775.082, s. 775.083, or s. 775.084.

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

106 (2) A person who knowingly has in his or her possession,
107 custody, or control any obscene book, magazine, periodical,
108 pamphlet, newspaper, comic book, story paper, written or printed
109 story or article, writing, paper, card, picture, drawing,
110 photograph, motion picture film, film, any sticker, decal,
111 emblem or other device attached to a motor vehicle containing
112 obscene descriptions, photographs, or depictions, any figure,

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113 image, phonograph record, or wire or tape or other recording, or
 114 any written, printed, or recorded matter of any such character
 115 which may or may not require mechanical or other means to be
 116 transmuted into auditory, visual, or sensory representations of
 117 such character, or any article or instrument for obscene use, or
 118 purporting to be for obscene use or purpose, without intent to
 119 sell, lend, give away, distribute, transmit, show, transmute, or
 120 advertise the same, commits ~~is guilty of~~ a misdemeanor of the
 121 second degree, punishable as provided in s. 775.082 or s.
 122 775.083. A person who, after having been convicted of violating
 123 this subsection, thereafter violates any of its provisions
 124 commits ~~is guilty of~~ a misdemeanor of the first degree,
 125 punishable as provided in s. 775.082 or s. 775.083. In any
 126 prosecution for such possession, it is ~~shall~~ not be necessary to
 127 allege or prove the absence of such intent.

128 Section 3. Section 847.012, Florida Statutes, is amended
 129 to read:

130 847.012 Prohibition of sale or other distribution of
 131 harmful materials to persons under 18 years of age; penalty.--

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

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

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

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141 ~~such minor.~~

142 (2) A person's ignorance of a minor's age, a minor's
143 misrepresentation of his or her age, a bona fide belief of a
144 minor's age, or a minor's consent may not be raised as a defense
145 in a prosecution for a violation of this section.

146 ~~(3)-(2)~~ A ~~It is unlawful for any person may not~~ knowingly
147 ~~to~~ sell, rent, or loan for monetary consideration to a minor:

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

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

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

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

166 ~~(6)-(4)~~ Every act, thing, or transaction forbidden by this
167 section constitutes a separate offense and is punishable as
168 such.

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

173 (b) After the filing of such a complaint, the judge to
 174 whom it is presented may grant an order restraining the person
 175 complained of until final hearing or further order of the court.
 176 Whenever the relator state attorney requests a judge of such
 177 court to set a hearing upon an application for ~~such~~ a
 178 restraining order, the ~~such~~ judge shall set the ~~such~~ hearing for
 179 a time within 3 days after the making of the ~~such~~ request. The
 180 ~~No such~~ order may not ~~shall~~ be made unless the ~~such~~ judge is
 181 satisfied that sufficient notice of the application therefor has
 182 been given to the party restrained of the time when and place
 183 where the application for the ~~such~~ restraining order is to be
 184 made.

185 (c) The person sought to be enjoined is ~~shall be~~ entitled
 186 to a trial of the issues within 1 day after joinder of issue,
 187 and a decision shall be rendered by the court within 2 days
 188 after ~~of~~ the conclusion of the trial.

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

196 (e) In any action brought as provided in this section, a

197 ~~no~~ bond or undertaking may not ~~shall~~ be required of the state or
 198 the state attorney before the issuance of a restraining order
 199 provided for by paragraph (b), and ~~there shall be no liability~~
 200 ~~on the part of~~ the state or the state attorney may not be held
 201 liable for costs or for damages sustained by reason of the such
 202 restraining order in any case where a final decree is rendered
 203 in favor of the person sought to be enjoined.

204 (f) Every person who has possession, custody, or control
 205 of, or otherwise deals with, any of the materials, matters,
 206 articles, or things described in this section, after the service
 207 upon her or him of a summons and complaint in an action for
 208 injunction brought under this section, is chargeable with
 209 knowledge of the contents and character thereof.

210 (8) ~~(6)~~ The several sheriffs and state attorneys shall
 211 vigorously enforce this section within their respective
 212 jurisdictions.

213 (9) ~~(7)~~ This section does not apply to the exhibition of
 214 motion pictures, shows, presentations, or other representations
 215 regulated under ~~the provisions of~~ s. 847.013.

216 Section 4. Section 847.013, Florida Statutes, is amended
 217 to read:

218 847.013 Exposing minors to or using minors in the
 219 production of harmful motion pictures, exhibitions, shows,
 220 presentations, or representations.--

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

225 (a) The character and content of any motion picture
 226 described herein which is reasonably susceptible of examination
 227 by the defendant, or the character of any exhibition,
 228 presentation, representation, or show described herein, other
 229 than a motion picture show, which is reasonably susceptible of
 230 being ascertained by the defendant;7 and

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

235 (2) MINOR'S AGE.--A person's ignorance of a minor's age, a
 236 minor's misrepresentation of his or her age, a bona fide belief
 237 of a minor's age, or a minor's consent may not be raised as a
 238 defense in a prosecution for a violation of this section.

239 (3)(2) OFFENSES AND PENALTIES.--

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

250 (b) A ~~It is unlawful for any person~~ may not knowingly ~~to~~
 251 rent or sell, or loan to a minor for monetary consideration, a
 252 videocassette or a videotape of a motion picture, or similar

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253 presentation, which, in whole or in part, depicts nudity, sexual
254 conduct, sexual excitement, sexual battery, bestiality, or
255 sadomasochistic abuse and which is harmful to minors.

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

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

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

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

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

284 (4)~~(3)~~ INJUNCTIVE PROCEEDINGS.--

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

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

307 (c) The person or persons sought to be enjoined are ~~shall~~
 308 ~~be~~ entitled to a trial of the issues within 1 day after joinder

309 of issue, and a decision shall be rendered by the court within 2
 310 days after the conclusion of the trial.

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

319 (e) Every person who has possession, custody, or control
 320 of, or otherwise deals with, any motion picture, exhibition,
 321 show, representation, or presentation described in this section,
 322 after the service upon him or her of a summons and complaint in
 323 an action for injunction brought under this section, is
 324 chargeable with knowledge of the contents or character thereof.

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

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337 adopt any ordinance relating to that subject on or after such
338 effective date.

339 Section 5. Section 847.0133, Florida Statutes, is amended
340 to read:

341 847.0133 Protection of minors; prohibition of certain acts
342 in connection with obscenity; prohibition of displaying erotic
343 nudity or erotic fondling to minors; penalty.--

344 (1) A ~~It is unlawful for any person~~ may not knowingly ~~to~~
345 sell, rent, loan, give away, distribute, transmit, or show any
346 obscene material to a minor. For purposes of this section
347 "obscene material" means any obscene book, magazine, periodical,
348 pamphlet, newspaper, comic book, story paper, written or printed
349 story or article, writing paper, card, picture, drawing,
350 photograph, motion picture film, figure, image, videotape,
351 videocassette, phonograph record, or wire or tape or other
352 recording, or any written, printed, or recorded matter of any
353 such character which may or may not require mechanical or other
354 means to be transmuted into auditory, visual, or sensory
355 representations of such character, or any article or instrument
356 for obscene use, or purporting to be for obscene use or purpose.
357 The term "obscene" has ~~shall have~~ the same meaning as set forth
358 in s. 847.001.

359 (2) (a) A person may not knowingly sell, rent, loan, give
360 away, distribute, transmit, or show any material displaying
361 erotic nudity to a minor. As used in this subsection, the term
362 "erotic nudity" means the display of the genitals, pubic area,
363 or breasts of a person, or the undeveloped or developing
364 genitals, breasts, or public area of a minor for the purpose of

365 real or simulated overt sexual gratification or stimulation of a
366 minor. Displaying erotic nudity means its inclusion in any book,
367 magazine, periodical, pamphlet, newspaper, comic book, story
368 paper, written or printed story or article, writing paper, card,
369 picture, drawing, photograph, motion picture film, figure,
370 image, videotape, videocassette, phonograph record, wire, tape,
371 or other recording, or any written, printed, or recorded matter
372 of any such character which may or may not require mechanical or
373 other means to be transmuted into auditory, visual, or sensory
374 representations of erotic nudity.

375 (b) A person may not knowingly sell, rent, loan, give
376 away, distribute, transmit, or show any material displaying
377 erotic fondling to a minor. As used in this subsection, the term
378 "erotic fondling" means touching the clothed or unclothed
379 genitals, pubic area, buttocks, or breasts of a person, or the
380 developing or undeveloped genitals, pubic area, or breasts of a
381 minor for the purpose of real or simulated overt sexual
382 gratification or stimulation of a minor. The term does not
383 include physical contact that is not for the purpose of real or
384 simulated overt sexual gratification or stimulation of a minor.
385 Displaying erotic fondling means its inclusion in any book,
386 magazine, periodical, pamphlet, newspaper, comic book, story
387 paper, written or printed story or article, writing paper, card,
388 picture, drawing, photograph, motion picture film, figure,
389 image, videotape, videocassette, phonograph record, wire, tape,
390 or other recording, or any written, printed, or recorded matter
391 of any such character which may or may not require mechanical or
392 other means to be transmuted into auditory, visual, or sensory

393 representations of erotic fondling.

394 (3)~~(2)~~ As used in this section "knowingly" has the same
 395 meaning set forth in s. 847.012(1). A "minor" is any person
 396 under the age of 18 years.

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

401 Section 6. Paragraph (f) of subsection (3) of section
 402 921.0022, Florida Statutes, is amended to read:

403 921.0022 Criminal Punishment Code; offense severity
 404 ranking chart.--

405 (3) OFFENSE SEVERITY RANKING CHART

406 (f) LEVEL 6

407

Florida Statute	Felony Degree	Description
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408

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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409

499.0051 (3)	2nd	Forgery of pedigree papers.
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410

499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
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411

499.0051 (5)	2nd	Sale of legend drug to unauthorized
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person.

412	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
413	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
414	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
415	784.041	3rd	Felony battery; domestic battery by strangulation.
416	784.048 (3)	3rd	Aggravated stalking; credible threat.
417	784.048 (5)	3rd	Aggravated stalking of person under 16.
418	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
419	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
420	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
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422	784.081 (2)	2nd	Aggravated assault on specified official or employee.
423	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
424	784.083 (2)	2nd	Aggravated assault on code inspector.
425	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
426	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
427	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
428	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
429	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
430	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.

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431	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
432	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.
433	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
434	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
435	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
436	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
437	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
438	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or

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more; coordination of others.

439

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

440

817.034 (4) (a) 1. 1st Communications fraud, value greater
than \$50,000.

441

817.4821 (5) 2nd Possess cloning paraphernalia with
intent to create cloned cellular
telephones.

442

825.102 (1) 3rd Abuse of an elderly person or disabled
adult.

443

825.102 (3) (c) 3rd Neglect of an elderly person or
disabled adult.

444

825.1025 (3) 3rd Lewd or lascivious molestation of an
elderly person or disabled adult.

445

825.103 (2) (c) 3rd Exploiting an elderly person or
disabled adult and property is valued
at less than \$20,000.

446

827.03 (1) 3rd Abuse of a child.

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448	827.03 (3) (c)	3rd	Neglect of a child.
449	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
450	836.05	2nd	Threats; extortion.
451	836.10	2nd	Written threats to kill or do bodily injury.
452	843.12	3rd	Aids or assists person to escape.
453	<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>
454	<u>847.012</u>	<u>3rd</u>	<u>Knowingly using a minor in the production of obscene or sexually explicit materials.</u>
455	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
	914.23	2nd	Retaliation against a witness, victim,

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or informant, with bodily injury.

456

944.35(3)(a)2. 3rd

Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

457

944.40 2nd

Escapes.

458

944.46 3rd

Harboring, concealing, aiding escaped prisoners.

459

944.47(1)(a)5. 2nd

Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

460

951.22(1) 3rd

Intoxicating drug, firearm, or weapon introduced into county facility.

461

462

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