

By Senator Dean

3-00600-08

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1                   A bill to be entitled  
2           An act relating to use of electronic surveillance  
3           equipment; creating s. 775.08451, F.S.; defining the term  
4           "electronic surveillance equipment"; prohibiting use of  
5           electronic surveillance equipment for specified purposes  
6           in connection with the commission of a criminal offense;  
7           prohibiting specified actions concerning information  
8           received through the use of electronic surveillance  
9           equipment; providing penalties; providing for  
10          reclassification of offenses when electronic surveillance  
11          equipment is used in connection with them; amending s.  
12          921.0022, F.S.; conforming provisions; providing an  
13          effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Section 775.08451, Florida Statutes, is created  
18 to read:

19           775.08451 Use of electronic surveillance equipment while  
20 committing certain offenses.--

21           (1) For the purposes of this section, the term "electronic  
22 surveillance equipment" means any mechanical, digital, or  
23 electronic viewing device; still camera; camcorder; motion  
24 picture camera; or any other instrument, equipment, or format  
25 capable of recording, storing, or transmitting visual images of  
26 another person.

27           (2) A person shall not:

28           (a) Use any form of electronic surveillance equipment to  
29 assist in committing a crime or to escape from or avoid

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30 detection, arrest, trial, conviction, or punishment in connection  
31 with the commission of such crime.

32 (b)1. Divulge the existence, contents, substance, purport,  
33 effect, or meaning of any information received through the use of  
34 electronic surveillance equipment to any person he or she knows  
35 to be a suspect in the commission of a crime with the intent that  
36 the suspect may escape from or avoid detention, arrest, trial,  
37 conviction, or punishment.

38 2. Any person who violates subparagraph 1. commits a  
39 misdemeanor of the first degree, punishable as provided in s.  
40 775.082 or s. 775.083.

41 (3) The felony or misdemeanor degree of any criminal  
42 offense underlying a violation of paragraph (2) (a) shall be  
43 reclassified to the next higher degree as follows:

44 (a) A misdemeanor of the second degree shall be punished as  
45 if it were a misdemeanor of the first degree.

46 (b) A misdemeanor of the first degree shall be punished as  
47 if it were a felony of the third degree.

48 (c) A felony of the third degree shall be punished as if it  
49 were a felony of the second degree.

50 (d) A felony of the second degree shall be punished as if  
51 it were a felony of the first degree.

52 (e) A felony of the first degree shall be punished as if it  
53 were a life felony.

54  
55 For purposes of sentencing under chapter 921, a felony offense  
56 that is reclassified under this subsection is ranked one level  
57 above the ranking under s. 921.0022 or s. 921.0023 of the offense  
58 committed.

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59           Section 2. Subsection (2) of section 921.0022, Florida  
60 Statutes, is amended to read:

61           921.0022 Criminal Punishment Code; offense severity ranking  
62 chart.--

63           (2) The offense severity ranking chart has 10 offense  
64 levels, ranked from least severe, which are level 1 offenses, to  
65 most severe, which are level 10 offenses, and each felony offense  
66 is assigned to a level according to the severity of the offense.  
67 For purposes of determining which felony offenses are  
68 specifically listed in the offense severity ranking chart and  
69 which severity level has been assigned to each of these offenses,  
70 the numerical statutory references in the left column of the  
71 chart and the felony degree designations in the middle column of  
72 the chart are controlling; the language in the right column of  
73 the chart is provided solely for descriptive purposes.  
74 Reclassification of the degree of the felony through the  
75 application of s. 775.0845, s. 775.08451, s. 775.0861, s.  
76 775.087, s. 775.0875, s. 794.023, or any other law that provides  
77 an enhanced penalty for a felony offense, to any offense listed  
78 in the offense severity ranking chart in this section shall not  
79 cause the offense to become unlisted and is not subject to the  
80 provisions of s. 921.0023.

81           Section 3. This act shall take effect October 1, 2008.