

By Senator Joyner

18-01579-09

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1 A bill to be entitled
 2 An act relating to trafficking in cocaine; amending s.
 3 893.135, F.S.; providing for a person to be sentenced
 4 to a mandatory minimum term of imprisonment following
 5 a second or subsequent conviction of selling,
 6 purchasing, manufacturing, delivering, or bringing a
 7 specified quantity of cocaine into the state;
 8 providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12 Section 1. Paragraph (b) of subsection (1) of section
 13 893.135, Florida Statutes, is amended to read:

14 893.135 Trafficking; mandatory sentences; suspension or
 15 reduction of sentences; conspiracy to engage in trafficking.—

16 (1) Except as authorized in this chapter or in chapter 499
 17 and notwithstanding the provisions of s. 893.13:

18 (b)1. Any person who knowingly sells, purchases,
 19 manufactures, delivers, or brings into this state, or who is
 20 knowingly in actual or constructive possession of, 28 grams or
 21 more of cocaine, as described in s. 893.03(2)(a)4., or of any
 22 mixture containing cocaine, but less than 150 kilograms of
 23 cocaine or any such mixture, commits a felony of the first
 24 degree, which felony shall be known as "trafficking in cocaine,"
 25 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 26 If the quantity involved:

27 a. Is 28 grams or more, but less than 200 grams, such
 28 person shall be sentenced to a mandatory minimum term of
 29 imprisonment of 3 years for a second or subsequent conviction,

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30 and the defendant shall be ordered to pay a fine of \$50,000.

31 b. Is 200 grams or more, but less than 400 grams, such
32 person shall be sentenced to a mandatory minimum term of
33 imprisonment of 7 years, and the defendant shall be ordered to
34 pay a fine of \$100,000.

35 c. Is 400 grams or more, but less than 150 kilograms, such
36 person shall be sentenced to a mandatory minimum term of
37 imprisonment of 15 calendar years and pay a fine of \$250,000.

38 2. Any person who knowingly sells, purchases, manufactures,
39 delivers, or brings into this state, or who is knowingly in
40 actual or constructive possession of, 150 kilograms or more of
41 cocaine, as described in s. 893.03(2)(a)4., commits the first
42 degree felony of trafficking in cocaine. A person who has been
43 convicted of the first degree felony of trafficking in cocaine
44 under this subparagraph shall be punished by life imprisonment
45 and is ineligible for any form of discretionary early release
46 except pardon or executive clemency or conditional medical
47 release under s. 947.149. However, if the court determines that,
48 in addition to committing any act specified in this paragraph:

49 a. The person intentionally killed an individual or
50 counseled, commanded, induced, procured, or caused the
51 intentional killing of an individual and such killing was the
52 result; or

53 b. The person's conduct in committing that act led to a
54 natural, though not inevitable, lethal result,

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56 such person commits the capital felony of trafficking in
57 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
58 person sentenced for a capital felony under this paragraph shall

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59 also be sentenced to pay the maximum fine provided under
60 subparagraph 1.

61 3. Any person who knowingly brings into this state 300
62 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
63 and who knows that the probable result of such importation would
64 be the death of any person, commits capital importation of
65 cocaine, a capital felony punishable as provided in ss. 775.082
66 and 921.142. Any person sentenced for a capital felony under
67 this paragraph shall also be sentenced to pay the maximum fine
68 provided under subparagraph 1.

69 Section 2. This act shall take effect July 1, 2009.