

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 to a
 4 mandatory minimum term of imprisonment following a second
 5 or subsequent conviction of selling, purchasing,
 6 manufacturing, delivering, or bringing a specified
 7 quantity of cocaine into the state; providing an effective
 8 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

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29 | imprisonment of 3 years for a second or subsequent conviction,
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,
39 | manufactures, delivers, or brings into this state, or who is
40 | knowingly in actual or constructive possession of, 150 kilograms
41 | or more of cocaine, as described in s. 893.03(2)(a)4., commits
42 | the first degree felony of trafficking in cocaine. A person who
43 | has been convicted of the first degree felony of trafficking in
44 | cocaine under this subparagraph shall be punished by life
45 | imprisonment and is ineligible for any form of discretionary
46 | early release except pardon or executive clemency or conditional
47 | medical release under s. 947.149. However, if the court
48 | determines that, in addition to committing any act specified in
49 | this paragraph:

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

54 | b. The person's conduct in committing that act led to a
55 | natural, though not inevitable, lethal result,
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57 | such person commits the capital felony of trafficking in
58 | cocaine, punishable as provided in ss. 775.082 and 921.142. Any
59 | person sentenced for a capital felony under this paragraph shall
60 | also be sentenced to pay the maximum fine provided under
61 | subparagraph 1.

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

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