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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2010	.	
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The Committee on Criminal Justice (Wilson) recommended the following:

Senate Amendment

Delete everything after the enacting clause and insert:

Section 1. Section 775.0876, Florida Statutes, is created to read:

775.0876 Offenses committed under color of law; reclassification.—The penalty for any felony or misdemeanor offense shall be reclassified if the commission of such offense was furthered or facilitated by a person acting or purporting to act in the performance of official duties under any law, ordinance, or regulation.



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13 (1) The reclassification of the felony or misdemeanor is as
14 follows:

15 (a) A misdemeanor of the second degree is reclassified as a
16 misdemeanor of the first degree.

17 (b) A misdemeanor of the first degree is reclassified as a
18 felony of the third degree.

19 (c) A felony of the third degree is reclassified as a
20 felony of the second degree.

21 (d) A felony of the second degree is reclassified as a
22 felony of the first degree.

23 (e) A felony of the first degree is reclassified as a life
24 felony.

25 (2) For purposes of sentencing under chapter 921, a felony
26 offense that is reclassified under this section shall be ranked
27 one level above its ranking under s. 921.0022 or s. 921.0023.

28 (3) If the underlying offense includes acting or purporting
29 to act in the performance of official duties under any law,
30 ordinance or regulation as an essential element, the
31 reclassification does not apply.

32 Section 2. This act shall take effect July 1, 2010.