

By Senator Gelber

35-00610-10

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1 A bill to be entitled  
2 An act relating to public corruption; creating s.  
3 775.0876, F.S.; providing for the reclassification of  
4 criminal offenses committed "under color of law";  
5 providing an effective date.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
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9 Section 1. Section 775.0876, Florida Statutes, is created  
10 to read:

11 775.0876 Offenses committed under color of law;  
12 reclassification.—The penalty for any felony or misdemeanor  
13 offense shall be reclassified if the commission of such offense  
14 was furthered or facilitated by a person acting under color of  
15 law. As used in this section, the term "under color of law"  
16 means conduct based on public authority or position or the  
17 assertion of such authority or position.

18 (1) The reclassification of the felony or misdemeanor is as  
19 follows:

20 (a) A misdemeanor of the second degree is reclassified as a  
21 misdemeanor of the first degree.

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

24 (c) A felony of the third degree is reclassified as a  
25 felony of the second degree.

26 (d) A felony of the second degree is reclassified as a  
27 felony of the first degree.

28 (e) A felony of the first degree is reclassified as a life  
29 felony.

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

33       (3) Reclassification does not apply if the underlying  
34 misdemeanor or felony offense has conduct committed under color  
35 of law as one of its necessary elements.

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