

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Corcoran offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Deputy John C.
8 Mecklenburg Act."

9 Section 2. Paragraph (b) of subsection (4) of section
10 316.1935, Florida Statutes, is amended to read:

11 316.1935 Fleeing or attempting to elude a law enforcement
12 officer; aggravated fleeing or eluding.—

13 (4) Any person who, in the course of unlawfully leaving or
14 attempting to leave the scene of a crash in violation of s.
15 316.027 or s. 316.061, having knowledge of an order to stop by a
16 duly authorized law enforcement officer, willfully refuses or
17 fails to stop in compliance with such an order, or having
18 stopped in knowing compliance with such order, willfully flees

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19 in an attempt to elude such officer and, as a result of such
20 fleeing or eluding:

21 (b) Causes serious bodily injury or death to another
22 person, including any law enforcement officer involved in
23 pursuing or otherwise attempting to effect a stop of the
24 person's vehicle, commits aggravated fleeing or eluding with
25 serious bodily injury or death, a felony of the first degree,
26 punishable by imprisonment for a term of years not exceeding
27 life imprisonment or as provided in s. 775.082, s. 775.083, or
28 s. 775.084.

29
30 The felony of aggravated fleeing or eluding and the felony of
31 aggravated fleeing or eluding with serious bodily injury or
32 death constitute separate offenses for which a person may be
33 charged, in addition to the offenses under ss. 316.027 and
34 316.061, relating to unlawfully leaving the scene of a crash,
35 which the person had been in the course of committing or
36 attempting to commit when the order to stop was given.
37 Notwithstanding any other provision of law, the court shall
38 sentence any person convicted of committing aggravated fleeing
39 or eluding with serious bodily injury or death to a mandatory
40 minimum sentence of 3 years imprisonment. Nothing in this
41 subsection shall prevent a court from imposing a greater
42 sentence of incarceration as authorized by law.

43 Section 3. Paragraph (h) of subsection (3) of section
44 921.0022, Florida Statutes, is amended to read:

45 921.0022 Criminal Punishment Code; offense severity
46 ranking chart.—

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47 (3) OFFENSE SEVERITY RANKING CHART

48 (h) LEVEL 8

49

Florida Statute	Felony Degree	Description
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50

316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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51

316.1935 (4) (b)	1 st , <u>PBL</u>	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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52

327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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53

499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
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54

499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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55

560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
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56

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560.125(5)(b) 2nd Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

57

655.50(10)(b)2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

58

777.03(2)(a) 1st Accessory after the fact, capital felony.

59

782.04(4) 2nd Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.

60

782.051(2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

61

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62	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
63	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
64	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
65	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
66	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
67	800.04 (4)	2nd	Lewd or lascivious battery.
68	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

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69	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
70	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
71	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
72	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
73	812.13 (2) (b)	1st	Robbery with a weapon.
74	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
75	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
	825.102 (2)	1st	Aggravated abuse of an elderly

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person or disabled adult.

76

825.1025(2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.

77

825.103(2)(a) 1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

78

837.02(2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

79

837.021(2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

80

860.121(2)(c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

81

860.16 1st Aircraft piracy.

82

893.13(1)(b) 1st Sell or deliver in excess of 10

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grams of any substance
specified in s. 893.03(1)(a) or
(b).

83

893.13(2)(b) 1st Purchase in excess of 10 grams
of any substance specified in
s. 893.03(1)(a) or (b).

84

893.13(6)(c) 1st Possess in excess of 10 grams
of any substance specified in
s. 893.03(1)(a) or (b).

85

893.135(1)(a)2. 1st Trafficking in cannabis, more
than 2,000 lbs., less than
10,000 lbs.

86

893.135 (1)(b)1.b. 1st Trafficking in cocaine, more
than 200 grams, less than 400
grams.

87

893.135 (1)(c)1.b. 1st Trafficking in illegal drugs,
more than 14 grams, less than
28 grams.

88

893.135 (1)(d)1.b. 1st Trafficking in phencyclidine,
more than 200 grams, less than
400 grams.

89

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90	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
91	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
92	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
93	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
94	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
95	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
	893.1351 (3)	1st	Possession of a place used to manufacture controlled

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substance when minor is present
or resides there.

96

895.03(1) 1st Use or invest proceeds derived
from pattern of racketeering
activity.

97

895.03(2) 1st Acquire or maintain through
racketeering activity any
interest in or control of any
enterprise or real property.

98

895.03(3) 1st Conduct or participate in any
enterprise through pattern of
racketeering activity.

99

896.101(5)(b) 2nd Money laundering, financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000.

100

896.104(4)(a)2. 2nd Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or
exceeding \$20,000 but less than
\$100,000.

101

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102 Section 4. This act shall take effect October 1, 2012.
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104

105 -----

106 **T I T L E A M E N D M E N T**

107 Remove the entire title and insert:

108 An act relating to aggravated feeling or eluding; citing the act
109 the "Deputy John C. Mecklenburg Act;" amending s. 316.1935,
110 F.S.; providing that aggravated fleeing or eluding with serious
111 bodily injury or death is a first degree felony punishable by a
112 term of years not exceeding life imprisonment; amending s.
113 921.0022, F.S.; making a corresponding change to the Criminal
114 Punishment Code, offense severity ranking chart; providing an
115 effective date.