

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Trujillo 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. Section 782.04, Florida Statutes, is amended to
10 read:

11 782.04 Murder.—

12 (1) (a) The unlawful killing of a human being:

13 1. When perpetrated from a premeditated design to effect
14 the death of the person killed or any human being;

15 2. When committed by a person engaged in the perpetration
16 of, or in the attempt to perpetrate, any:

17 a. Trafficking offense prohibited by s. 893.135(1),

18 b. Arson,

19 c. Sexual battery,

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- 20 d. Robbery,
21 e. Burglary,
22 f. Kidnapping,
23 g. Escape,
24 h. Aggravated child abuse,
25 i. Aggravated abuse of an elderly person or disabled
26 adult,
27 j. Aircraft piracy,
28 k. Unlawful throwing, placing, or discharging of a
29 destructive device or bomb,
30 l. Carjacking,
31 m. Home-invasion robbery,
32 n. Aggravated stalking,
33 o. Murder of another human being,
34 p. Resisting an officer with violence to his or her
35 person,
36 q. Aggravated fleeing or eluding with serious bodily
37 injury or death,
38 ~~r.~~ Felony that is an act of terrorism or is in
39 furtherance of an act of terrorism; or
40 3. Which resulted from the unlawful distribution of any
41 substance controlled under s. 893.03(1), cocaine as described in
42 s. 893.03(2) (a)4., opium or any synthetic or natural salt,
43 compound, derivative, or preparation of opium, or methadone by a
44 person 18 years of age or older, when such drug is proven to be
45 the proximate cause of the death of the user,
46

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47 is murder in the first degree and constitutes a capital felony,
48 punishable as provided in s. 775.082.

49 (b) In all cases under this section, the procedure set
50 forth in s. 921.141 shall be followed in order to determine
51 sentence of death or life imprisonment.

52 (2) The unlawful killing of a human being, when
53 perpetrated by any act imminently dangerous to another and
54 evincing a depraved mind regardless of human life, although
55 without any premeditated design to effect the death of any
56 particular individual, is murder in the second degree and
57 constitutes a felony of the first degree, punishable by
58 imprisonment for a term of years not exceeding life or as
59 provided in s. 775.082, s. 775.083, or s. 775.084.

60 (3) When a human being ~~person~~ is killed during ~~in~~ the
61 perpetration of, or during ~~in~~ the attempt to perpetrate, any:

- 62 (a) Trafficking offense prohibited by s. 893.135(1),
63 (b) Arson,
64 (c) Sexual battery,
65 (d) Robbery,
66 (e) Burglary,
67 (f) Kidnapping,
68 (g) Escape,
69 (h) Aggravated child abuse,
70 (i) Aggravated abuse of an elderly person or disabled
71 adult,
72 (j) Aircraft piracy,
73 (k) Unlawful throwing, placing, or discharging of a
74 destructive device or bomb,

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75 (l) Carjacking,

76 (m) Home-invasion robbery,

77 (n) Aggravated stalking,

78 (o) Murder of another human being,

79 (p) Aggravated fleeing or eluding with serious bodily
80 injury or death,

81 (q)~~(p)~~ Resisting an officer with violence to his or her
82 person, or

83 (r)~~(q)~~ Felony that is an act of terrorism or is in
84 furtherance of an act of terrorism,

85
86 by a person other than the person engaged in the perpetration of
87 or in the attempt to perpetrate such felony, the person
88 perpetrating or attempting to perpetrate such felony is guilty
89 of murder in the second degree, which constitutes a felony of
90 the first degree, punishable by imprisonment for a term of years
91 not exceeding life or as provided in s. 775.082, s. 775.083, or
92 s. 775.084.

93 (4) The unlawful killing of a human being, when
94 perpetrated without any design to effect death, by a person
95 engaged in the perpetration of, or in the attempt to perpetrate,
96 any felony other than any:

97 (a) Trafficking offense prohibited by s. 893.135(1),

98 (b) Arson,

99 (c) Sexual battery,

100 (d) Robbery,

101 (e) Burglary,

102 (f) Kidnapping,

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- 103 (g) Escape,
- 104 (h) Aggravated child abuse,
- 105 (i) Aggravated abuse of an elderly person or disabled
106 adult,
- 107 (j) Aircraft piracy,
- 108 (k) Unlawful throwing, placing, or discharging of a
109 destructive device or bomb,
- 110 (l) Unlawful distribution of any substance controlled
111 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
112 or opium or any synthetic or natural salt, compound, derivative,
113 or preparation of opium by a person 18 years of age or older,
114 when such drug is proven to be the proximate cause of the death
115 of the user,
- 116 (m) Carjacking,
- 117 (n) Home-invasion robbery,
- 118 (o) Aggravated stalking,
- 119 (p) Murder of another human being,
- 120 (q) Aggravated fleeing or eluding with serious bodily
121 injury or death,
- 122 (r)~~(q)~~ Resisting an officer with violence to his or her
123 person, or
- 124 (s)~~(r)~~ Felony that is an act of terrorism or is in
125 furtherance of an act of terrorism,
126
- 127 is murder in the third degree and constitutes a felony of the
128 second degree, punishable as provided in s. 775.082, s. 775.083,
129 or s. 775.084.

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130 (5) As used in this section, the term "terrorism" means an
131 activity that:

132 (a)1. Involves a violent act or an act dangerous to human
133 life which is a violation of the criminal laws of this state or
134 of the United States; or

135 2. Involves a violation of s. 815.06; and

136 (b) Is intended to:

137 1. Intimidate, injure, or coerce a civilian population;

138 2. Influence the policy of a government by intimidation or
139 coercion; or

140 3. Affect the conduct of government through destruction of
141 property, assassination, murder, kidnapping, or aircraft piracy.

142 Section 3. Paragraphs (h) and (i) of subsection (3) of
143 section 921.0022, Florida Statutes, are amended to read:

144 921.0022 Criminal Punishment Code; offense severity
145 ranking chart.—

146 (3) OFFENSE SEVERITY RANKING CHART

147 (h) LEVEL 8

148

Florida Statute	Felony Degree	Description
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149

316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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150

316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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151

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152	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
153	499.0051(7)	1st	Knowing trafficking in contraband prescription drugs.
154	499.0051(8)	1st	Knowing forgery of prescription labels or prescription drug labels.
155	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.
156	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.
157	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
158	777.03(2)(a)	1st	Accessory after the fact, capital felony.

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- 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, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
- 159
- 782.051(2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
- 160
- 782.071(1)(b) 1st Committing vehicular homicide and failing to render aid or give information.
- 161
- 782.072(2) 1st Committing vessel homicide and failing to render aid or give information.
- 162
- 790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.
- 163
- 794.011(5) 2nd Sexual battery, victim 12 years or over, offender does not use physical

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force likely to cause serious injury.

164

794.08(3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

165

800.04(4) 2nd Lewd or lascivious battery.

166

806.01(1) 1st Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

167

810.02(2)(a) 1st,PBL Burglary with assault or battery.

168

810.02(2)(b) 1st,PBL Burglary; armed with explosives or dangerous weapon.

169

810.02(2)(c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

170

812.014(2)(a)2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

171

812.13(2)(b) 1st Robbery with a weapon.

172

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173	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
174	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
175	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
176	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
177	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
178	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
179	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in

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great bodily harm.

180

860.16 1st Aircraft piracy.

181

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

182

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

183

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

184

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

185

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

186

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

187

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

188

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189	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
190	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
191	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
192	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
193	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
194	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
195	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
196	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.

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

197

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

198

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

199

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.

200

(i) LEVEL 9

201

202

Florida	Felony	
Statute	Degree	Description

203

316.193	1st	DUI manslaughter; failing to render aid or give information.
(3)(c)3.b.		

204

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205	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
206	409.920 (2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.
207	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
208	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
209	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
210	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
211	775.0844	1st	Aggravated white collar crime.
212	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.

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782.04(3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

213

782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

214

782.07(2) 1st Aggravated manslaughter of an elderly person or disabled adult.

215

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

216

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

217

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

218

787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual

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battery, or lewd or lascivious
battery, molestation, conduct, or
exhibition.

219

790.161 1st Attempted capital destructive device
offense.

220

790.166(2) 1st,PBL Possessing, selling, using, or
attempting to use a weapon of mass
destruction.

221

794.011(2) 1st Attempted sexual battery; victim less
than 12 years of age.

222

794.011(2) Life Sexual battery; offender younger than
18 years and commits sexual battery on
a person less than 12 years.

223

794.011(4) 1st Sexual battery; victim 12 years or
older, certain circumstances.

224

794.011(8)(b) 1st Sexual battery; engage in sexual
conduct with minor 12 to 18 years by
person in familial or custodial
authority.

225

794.08(2) 1st Female genital mutilation; victim

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younger than 18 years of age.

226

800.04 (5) (b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

227

812.13 (2) (a) 1st, PBL Robbery with firearm or other deadly weapon.

228

812.133 (2) (a) 1st, PBL Carjacking; firearm or other deadly weapon.

229

812.135 (2) (b) 1st Home-invasion robbery with weapon.

230

817.568 (7) 2nd, PBL Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

231

827.03 (2) 1st Aggravated child abuse.

232

847.0145 (1) 1st Selling, or otherwise transferring custody or control, of a minor.

233

847.0145 (2) 1st Purchasing, or otherwise obtaining custody or control, of a minor.

234

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859.01 1st Poisoning or introducing bacteria,
radioactive materials, viruses, or
chemical compounds into food, drink,
medicine, or water with intent to kill
or injure another person.

235

893.135 1st Attempted capital trafficking offense.

236

893.135(1)(a)3. 1st Trafficking in cannabis, more than
10,000 lbs.

237

893.135 1st Trafficking in cocaine, more than 400
(1)(b)1.c. grams, less than 150 kilograms.

238

893.135 1st Trafficking in illegal drugs, more
(1)(c)1.c. than 28 grams, less than 30 kilograms.

239

893.135 1st Trafficking in phencyclidine, more
(1)(d)1.c. than 400 grams.

240

893.135 1st Trafficking in methaqualone, more than
(1)(e)1.c. 25 kilograms.

241

893.135 1st Trafficking in amphetamine, more than
(1)(f)1.c. 200 grams.

242

893.135 1st Trafficking in gamma-hydroxybutyric

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(1) (h) 1.c. acid (GHB), 10 kilograms or more.

243

893.135 1st Trafficking in 1,4-Butanediol, 10
(1) (j) 1.c. kilograms or more.

244

893.135 1st Trafficking in Phenethylamines, 400
(1) (k) 2.c. grams or more.

245

896.101(5) (c) 1st Money laundering, financial
instruments totaling or exceeding
\$100,000.

246

896.104(4) (a) 3. 1st Structuring transactions to evade
reporting or registration
requirements, financial transactions
totaling or exceeding \$100,000.

247

248 Section 4. For the purpose of incorporating the amendment
249 made by this act to section 782.04, Florida Statutes, in a
250 reference thereto, section 775.0823, Florida Statutes, is
251 reenacted to read:

252 775.0823 Violent offenses committed against law
253 enforcement officers, correctional officers, state attorneys,
254 assistant state attorneys, justices, or judges.—The Legislature
255 does hereby provide for an increase and certainty of penalty for
256 any person convicted of a violent offense against any law
257 enforcement or correctional officer, as defined in s. 943.10(1),
258 (2), (3), (6), (7), (8), or (9); against any state attorney

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259 | elected pursuant to s. 27.01 or assistant state attorney
260 | appointed under s. 27.181; or against any justice or judge of a
261 | court described in Art. V of the State Constitution, which
262 | offense arises out of or in the scope of the officer's duty as a
263 | law enforcement or correctional officer, the state attorney's or
264 | assistant state attorney's duty as a prosecutor or investigator,
265 | or the justice's or judge's duty as a judicial officer, as
266 | follows:

267 | (1) For murder in the first degree as described in s.
268 | 782.04(1), if the death sentence is not imposed, a sentence of
269 | imprisonment for life without eligibility for release.

270 | (2) For attempted murder in the first degree as described
271 | in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
272 | or s. 775.084.

273 | (3) For attempted felony murder as described in s.
274 | 782.051, a sentence pursuant to s. 775.082, s. 775.083, or s.
275 | 775.084.

276 | (4) For murder in the second degree as described in s.
277 | 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
278 | 775.083, or s. 775.084.

279 | (5) For attempted murder in the second degree as described
280 | in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
281 | 775.083, or s. 775.084.

282 | (6) For murder in the third degree as described in s.
283 | 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.
284 | 775.084.

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285 (7) For attempted murder in the third degree as described
286 in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083,
287 or s. 775.084.

288 (8) For manslaughter as described in s. 782.07 during the
289 commission of a crime, a sentence pursuant to s. 775.082, s.
290 775.083, or s. 775.084.

291 (9) For kidnapping as described in s. 787.01, a sentence
292 pursuant to s. 775.082, s. 775.083, or s. 775.084.

293 (10) For aggravated battery as described in s. 784.045, a
294 sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

295 (11) For aggravated assault as described in s. 784.021, a
296 sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

297

298 Notwithstanding the provisions of s. 948.01, with respect to any
299 person who is found to have violated this section, adjudication
300 of guilt or imposition of sentence shall not be suspended,
301 deferred, or withheld.

302 Section 5. For the purpose of incorporating the amendment
303 made by this act to section 782.04, Florida Statutes, in a
304 reference thereto, section 782.051, Florida Statutes, is
305 reenacted to read:

306 782.051 Attempted felony murder.—

307 (1) Any person who perpetrates or attempts to perpetrate
308 any felony enumerated in s. 782.04(3) and who commits, aids, or
309 abets an intentional act that is not an essential element of the
310 felony and that could, but does not, cause the death of another
311 commits a felony of the first degree, punishable by imprisonment
312 for a term of years not exceeding life, or as provided in s.

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313 775.082, s. 775.083, or s. 775.084, which is an offense ranked
314 in level 9 of the Criminal Punishment Code. Victim injury points
315 shall be scored under this subsection.

316 (2) Any person who perpetrates or attempts to perpetrate
317 any felony other than a felony enumerated in s. 782.04(3) and
318 who commits, aids, or abets an intentional act that is not an
319 essential element of the felony and that could, but does not,
320 cause the death of another commits a felony of the first degree,
321 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
322 which is an offense ranked in level 8 of the Criminal Punishment
323 Code. Victim injury points shall be scored under this
324 subsection.

325 (3) When a person is injured during the perpetration of or
326 the attempt to perpetrate any felony enumerated in s. 782.04(3)
327 by a person other than the person engaged in the perpetration of
328 or the attempt to perpetrate such felony, the person
329 perpetrating or attempting to perpetrate such felony commits a
330 felony of the second degree, punishable as provided in s.
331 775.082, s. 775.083, or s. 775.084, which is an offense ranked
332 in level 7 of the Criminal Punishment Code. Victim injury points
333 shall be scored under this subsection.

334 Section 6. For the purpose of incorporating the amendment
335 made by this act to section 782.04, Florida Statutes, in a
336 reference thereto, section 782.065, Florida Statutes, is
337 reenacted to read:

338 782.065 Murder; law enforcement officer.—Notwithstanding
339 ss. 775.082, 775.0823, 782.04, 782.051, and chapter 921, a
340 defendant shall be sentenced to life imprisonment without

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341 eligibility for release upon findings by the trier of fact that,
342 beyond a reasonable doubt:

343 (1) The defendant committed murder in the first degree in
344 violation of s. 782.04(1) and a death sentence was not imposed;
345 murder in the second or third degree in violation of s.
346 782.04(2), (3), or (4); attempted murder in the first or second
347 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
348 felony murder in violation of s. 782.051; and

349 (2) The victim of any offense described in subsection (1)
350 was a law enforcement officer, part-time law enforcement
351 officer, or auxiliary law enforcement officer, as those terms
352 are defined in s. 943.10, engaged in the lawful performance of a
353 legal duty.

354 Section 7. For the purpose of incorporating the amendment
355 made by this act to section 782.04, Florida Statutes, in a
356 reference thereto, subsection (3) of section 947.146, Florida
357 Statutes, is reenacted to read:

358 947.146 Control Release Authority.—

359 (3) Within 120 days prior to the date the state
360 correctional system is projected pursuant to s. 216.136 to
361 exceed 99 percent of total capacity, the authority shall
362 determine eligibility for and establish a control release date
363 for an appropriate number of parole ineligible inmates committed
364 to the department and incarcerated within the state who have
365 been determined by the authority to be eligible for
366 discretionary early release pursuant to this section. In
367 establishing control release dates, it is the intent of the
368 Legislature that the authority prioritize consideration of

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369 eligible inmates closest to their tentative release date. The
370 authority shall rely upon commitment data on the offender
371 information system maintained by the department to initially
372 identify inmates who are to be reviewed for control release
373 consideration. The authority may use a method of objective risk
374 assessment in determining if an eligible inmate should be
375 released. Such assessment shall be a part of the department's
376 management information system. However, the authority shall have
377 sole responsibility for determining control release eligibility,
378 establishing a control release date, and effectuating the
379 release of a sufficient number of inmates to maintain the inmate
380 population between 99 percent and 100 percent of total capacity.
381 Inmates who are ineligible for control release are inmates who
382 are parole eligible or inmates who:

383 (a) Are serving a sentence that includes a mandatory
384 minimum provision for a capital offense or drug trafficking
385 offense and have not served the number of days equal to the
386 mandatory minimum term less any jail-time credit awarded by the
387 court;

388 (b) Are serving the mandatory minimum portion of a
389 sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

390 (c) Are convicted, or have been previously convicted, of
391 committing or attempting to commit sexual battery, incest, or
392 any of the following lewd or indecent assaults or acts:
393 masturbating in public; exposing the sexual organs in a
394 perverted manner; or nonconsensual handling or fondling of the
395 sexual organs of another person;

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396 (d) Are convicted, or have been previously convicted, of
397 committing or attempting to commit assault, aggravated assault,
398 battery, or aggravated battery, and a sex act was attempted or
399 completed during commission of such offense;

400 (e) Are convicted, or have been previously convicted, of
401 committing or attempting to commit kidnapping, burglary, or
402 murder, and the offense was committed with the intent to commit
403 sexual battery or a sex act was attempted or completed during
404 commission of the offense;

405 (f) Are convicted, or have been previously convicted, of
406 committing or attempting to commit false imprisonment upon a
407 child under the age of 13 and, in the course of committing the
408 offense, the inmate committed aggravated child abuse, sexual
409 battery against the child, or a lewd or lascivious offense
410 committed upon or in the presence of a person less than 16 years
411 of age;

412 (g) Are sentenced, have previously been sentenced, or have
413 been sentenced at any time under s. 775.084, or have been
414 sentenced at any time in another jurisdiction as a habitual
415 offender;

416 (h) Are convicted, or have been previously convicted, of
417 committing or attempting to commit assault, aggravated assault,
418 battery, aggravated battery, kidnapping, manslaughter, or murder
419 against an officer as defined in s. 943.10(1), (2), (3), (6),
420 (7), (8), or (9); against a state attorney or assistant state
421 attorney; or against a justice or judge of a court described in
422 Art. V of the State Constitution; or against an officer, judge,

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423 or state attorney employed in a comparable position by any other
424 jurisdiction; or

425 (i) Are convicted, or have been previously convicted, of
426 committing or attempting to commit murder in the first, second,
427 or third degree under s. 782.04(1), (2), (3), or (4), or have
428 ever been convicted of any degree of murder or attempted murder
429 in another jurisdiction;

430 (j) Are convicted, or have been previously convicted, of
431 DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or
432 have been sentenced at any time, as a habitual offender for such
433 offense, or have been sentenced at any time in another
434 jurisdiction as a habitual offender for such offense;

435 (k)1. Are serving a sentence for an offense committed on
436 or after January 1, 1994, for a violation of the Law Enforcement
437 Protection Act under s. 775.0823(2), (3), (4), (5), or (6), and
438 the subtotal of the offender's sentence points is multiplied
439 pursuant to former s. 921.0014 or s. 921.0024;

440 2. Are serving a sentence for an offense committed on or
441 after October 1, 1995, for a violation of the Law Enforcement
442 Protection Act under s. 775.0823(2), (3), (4), (5), (6), (7),
443 (8), or (9), and the subtotal of the offender's sentence points
444 is multiplied pursuant to former s. 921.0014 or s. 921.0024;

445 (l) Are serving a sentence for an offense committed on or
446 after January 1, 1994, for possession of a firearm,
447 semiautomatic firearm, or machine gun in which additional points
448 are added to the subtotal of the offender's sentence points
449 pursuant to former s. 921.0014 or s. 921.0024; or

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450 (m) Are convicted, or have been previously convicted, of
451 committing or attempting to commit manslaughter, kidnapping,
452 robbery, carjacking, home-invasion robbery, or a burglary under
453 s. 810.02(2).

454
455 In making control release eligibility determinations under this
456 subsection, the authority may rely on any document leading to or
457 generated during the course of the criminal proceedings,
458 including, but not limited to, any presentence or postsentence
459 investigation or any information contained in arrest reports
460 relating to circumstances of the offense.

461 Section 8. This act shall take effect October 1, 2012.

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463

464

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

465

466 Remove line 6 and insert:

467 aggravated fleeing or eluding with serious bodily injury or
468 death, is murder of a

469