



284192

LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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03/02/2012 11:39 AM

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Senator Fasano moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. Section 782.04, Florida Statutes, is amended to
read:

782.04 Murder.—

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

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

2. When committed by a person engaged in the perpetration



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14 of, or in the attempt to perpetrate, any:
15 a. Trafficking offense prohibited by s. 893.135(1),
16 b. Arson,
17 c. Sexual battery,
18 d. Robbery,
19 e. Burglary,
20 f. Kidnapping,
21 g. Escape,
22 h. Aggravated child abuse,
23 i. Aggravated abuse of an elderly person or disabled adult,
24 j. Aircraft piracy,
25 k. Unlawful throwing, placing, or discharging of a
26 destructive device or bomb,
27 l. Carjacking,
28 m. Home-invasion robbery,
29 n. Aggravated stalking,
30 o. Murder of another human being,
31 p. Resisting an officer with violence to his or her person,
32 q. Aggravated fleeing or eluding with serious bodily injury
33 or death,
34 r. ~~q.~~ Felony that is an act of terrorism or is in
35 furtherance of an act of terrorism; or
36 3. Which resulted from the unlawful distribution of any
37 substance controlled under s. 893.03(1), cocaine as described in
38 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
39 compound, derivative, or preparation of opium, or methadone by a
40 person 18 years of age or older, when such drug is proven to be
41 the proximate cause of the death of the user,
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43 is murder in the first degree and constitutes a capital
44 felony, punishable as provided in s. 775.082.

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

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

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

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



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72 (m) Home-invasion robbery,

73 (n) Aggravated stalking,

74 (o) Murder of another human being,

75 (p) Aggravated fleeing or eluding with serious bodily
76 injury or death,

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

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

81
82 by a person other than the person engaged in the perpetration of
83 or in the attempt to perpetrate such felony, the person
84 perpetrating or attempting to perpetrate such felony commits ~~is~~
85 ~~guilty of~~ murder in the second degree, which constitutes a
86 felony of the first degree, punishable by imprisonment for a
87 term of years not exceeding life or as provided in s. 775.082,
88 s. 775.083, or s. 775.084.

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

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

94 (b) Arson,

95 (c) Sexual battery,

96 (d) Robbery,

97 (e) Burglary,

98 (f) Kidnapping,

99 (g) Escape,

100 (h) Aggravated child abuse,



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



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130 of the United States; or

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

132 (b) Is intended to:

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

134 2. Influence the policy of a government by intimidation or
135 coercion; or

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

138 Section 3. Section 782.065, Florida Statutes, is amended to
139 read:

140 782.065 Murder; law enforcement officer, correctional
141 officer, correctional probation officer.—Notwithstanding ss.
142 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
143 shall be sentenced to life imprisonment without eligibility for
144 release upon findings by the trier of fact that, beyond a
145 reasonable doubt:

146 (1) The defendant committed murder in the first degree in
147 violation of s. 782.04(1) and a death sentence was not imposed;
148 murder in the second or third degree in violation of s.

149 782.04(2), (3), or (4); attempted murder in the first or second
150 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
151 felony murder in violation of s. 782.051; and

152 (2) The victim of any offense described in subsection (1)
153 was a law enforcement officer, part-time law enforcement
154 officer, ~~or~~ auxiliary law enforcement officer, correctional
155 officer, part-time correctional officer, auxiliary correctional
156 officer, correctional probation officer, part-time correctional
157 probation officer, or auxiliary correctional probation officer,
158 as those terms are defined in s. 943.10, engaged in the lawful



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159 performance of a legal duty.

160 Section 4. Paragraphs (h) and (i) of subsection (3) of
161 section 921.0022, Florida Statutes, are amended to read:

162 921.0022 Criminal Punishment Code; offense severity ranking
163 chart.—

164 (3) OFFENSE SEVERITY RANKING CHART

165 (h) LEVEL 8

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Florida Statute	Felony Degree	Description
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167

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316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
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499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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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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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.

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

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184

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,



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aggravated fleeing or eluding with
serious bodily injury or death,
aircraft piracy, or unlawfully
discharging bomb.

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

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782.071 (1) (b) 1st Committing vehicular homicide and
 failing to render aid or give
 information.

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782.072 (2) 1st Committing vessel homicide and failing
 to render aid or give information.

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790.161 (3) 1st Discharging a destructive device which
 results in bodily harm or property
 damage.

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794.011 (5) 2nd Sexual battery, victim 12 years or
 over, offender does not use physical
 force likely to cause serious injury.



197
198
794.08(3) 2nd Female genital mutilation, removal of a
victim younger than 18 years of age
from this state.

199
200
800.04(4) 2nd Lewd or lascivious battery.

201
202
806.01(1) 1st Maliciously damage dwelling or
structure by fire or explosive,
believing person in structure.

203
204
810.02(2)(a) 1st,PBL Burglary with assault or battery.

205
206
810.02(2)(b) 1st,PBL Burglary; armed with explosives or
dangerous weapon.

207
208
810.02(2)(c) 1st Burglary of a dwelling or structure
causing structural damage or \$1,000 or
more property damage.

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210
812.014(2)(a)2. 1st Property stolen; cargo valued at
\$50,000 or more, grand theft in 1st



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degree.

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- 812.13(2)(b) 1st Robbery with a weapon.
- 812.135(2)(c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.
- 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 person or disabled adult.
- 825.1025(2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.
- 825.103(2)(a) 1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
- 837.02(2) 2nd Perjury in official proceedings



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relating to prosecution of a capital
felony.

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

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

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860.16 1st Aircraft piracy.

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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).

233

234

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

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



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or (b).

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

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

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

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

- 893.135 1st Trafficking in methaqualone, more than
(1)(e)1.b. 5 kilograms, less than 25 kilograms.

- 893.135 1st Trafficking in amphetamine, more than
(1)(f)1.b. 28 grams, less than 200 grams.

- 893.135 1st Trafficking in flunitrazepam, 14 grams
(1)(g)1.b. or more, less than 28 grams.



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893.135 1st Trafficking in gamma-hydroxybutyric
 (1) (h)1.b. acid (GHB), 5 kilograms or more, less
 than 10 kilograms.

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254
893.135 1st Trafficking in 1,4-Butanediol, 5
 (1) (j)1.b. kilograms or more, less than 10
 kilograms.

255
256
893.135 1st Trafficking in Phenethylamines, 200
 (1) (k)2.b. grams or more, less than 400 grams.

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893.1351(3) 1st Possession of a place used to
 manufacture controlled substance when
 minor is present or resides there.

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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.



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895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
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.
(i) LEVEL 9		
Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.



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- 327.35 (3) (c) 3.b. 1st BUI manslaughter; failing to render aid or give information.

- 409.920 1st Medicaid provider fraud; \$50,000 or more.
(2) (b) 1.c.

- 499.0051 (9) 1st Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

- 560.123 (8) (b) 3. 1st Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

- 560.125 (5) (c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

- 655.50 (10) (b) 3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.



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289 775.0844 1st Aggravated white collar crime.
290
291 782.04(1) 1st Attempt, conspire, or solicit to
292 commit premeditated murder.
293 782.04(3) 1st,PBL Accomplice to murder in connection
294 with arson, sexual battery, robbery,
burglary, aggravated fleeing or
eluding with serious bodily injury or
death, and other specified felonies.
295 782.051(1) 1st Attempted felony murder while
296 perpetrating or attempting to
perpetrate a felony enumerated in s.
782.04(3).
297 782.07(2) 1st Aggravated manslaughter of an elderly
298 person or disabled adult.
299 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward
300 or as a shield or hostage.
787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or



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facilitate commission of any felony.

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

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787.02(3)(a) 1st False imprisonment; child under age
13; perpetrator also commits
aggravated child abuse, sexual
battery, or lewd or lascivious
battery, molestation, conduct, or
exhibition.

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790.161 1st Attempted capital destructive device
offense.

307

308

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

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

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

313

314

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

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

317

318

794.08(2) 1st Female genital mutilation; victim
younger than 18 years of age.

319

320

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

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322

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

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



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weapon.

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326

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

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

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827.03(2) 1st Aggravated child abuse.

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

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334

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

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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.



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893.135 1st Attempted capital trafficking offense.
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893.135 (1) (a) 3. 1st Trafficking in cannabis, more than
341 10,000 lbs.
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893.135 1st Trafficking in cocaine, more than 400
343 (1) (b) 1.c. grams, less than 150 kilograms.
344
893.135 1st Trafficking in illegal drugs, more
345 (1) (c) 1.c. than 28 grams, less than 30 kilograms.
346
893.135 1st Trafficking in phencyclidine, more
347 (1) (d) 1.c. than 400 grams.
348
893.135 1st Trafficking in methaqualone, more than
349 (1) (e) 1.c. 25 kilograms.
350
893.135 1st Trafficking in amphetamine, more than
351 (1) (f) 1.c. 200 grams.
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369 hereby provide for an increase and certainty of penalty for any
370 person convicted of a violent offense against any law
371 enforcement or correctional officer, as defined in s. 943.10(1),
372 (2), (3), (6), (7), (8), or (9); against any state attorney
373 elected pursuant to s. 27.01 or assistant state attorney
374 appointed under s. 27.181; or against any justice or judge of a
375 court described in Art. V of the State Constitution, which
376 offense arises out of or in the scope of the officer's duty as a
377 law enforcement or correctional officer, the state attorney's or
378 assistant state attorney's duty as a prosecutor or investigator,
379 or the justice's or judge's duty as a judicial officer, as
380 follows:

381 (1) For murder in the first degree as described in s.
382 782.04(1), if the death sentence is not imposed, a sentence of
383 imprisonment for life without eligibility for release.

384 (2) For attempted murder in the first degree as described
385 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
386 or s. 775.084.

387 (3) For attempted felony murder as described in s. 782.051,
388 a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

389 (4) For murder in the second degree as described in s.
390 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
391 775.083, or s. 775.084.

392 (5) For attempted murder in the second degree as described
393 in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
394 775.083, or s. 775.084.

395 (6) For murder in the third degree as described in s.
396 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.
397 775.084.



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

401 (8) For manslaughter as described in s. 782.07 during the
402 commission of a crime, a sentence pursuant to s. 775.082, s.
403 775.083, or s. 775.084.

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

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

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

410
411 Notwithstanding the provisions of s. 948.01, with respect to any
412 person who is found to have violated this section, adjudication
413 of guilt or imposition of sentence shall not be suspended,
414 deferred, or withheld.

415 Section 6. For the purpose of incorporating the amendment
416 made by this act to section 782.04, Florida Statutes, in
417 references thereto, section 782.051, Florida Statutes, is
418 reenacted to read:

419 782.051 Attempted felony murder.—

420 (1) Any person who perpetrates or attempts to perpetrate
421 any felony enumerated in s. 782.04(3) and who commits, aids, or
422 abets an intentional act that is not an essential element of the
423 felony and that could, but does not, cause the death of another
424 commits a felony of the first degree, punishable by imprisonment
425 for a term of years not exceeding life, or as provided in s.
426 775.082, s. 775.083, or s. 775.084, which is an offense ranked



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427 in level 9 of the Criminal Punishment Code. Victim injury points
428 shall be scored under this subsection.

429 (2) Any person who perpetrates or attempts to perpetrate
430 any felony other than a felony enumerated in s. 782.04(3) and
431 who commits, aids, or abets an intentional act that is not an
432 essential element of the felony and that could, but does not,
433 cause the death of another commits a felony of the first degree,
434 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
435 which is an offense ranked in level 8 of the Criminal Punishment
436 Code. Victim injury points shall be scored under this
437 subsection.

438 (3) When a person is injured during the perpetration of or
439 the attempt to perpetrate any felony enumerated in s. 782.04(3)
440 by a person other than the person engaged in the perpetration of
441 or the attempt to perpetrate such felony, the person
442 perpetrating or attempting to perpetrate such felony commits a
443 felony of the second degree, punishable as provided in s.
444 775.082, s. 775.083, or s. 775.084, which is an offense ranked
445 in level 7 of the Criminal Punishment Code. Victim injury points
446 shall be scored under this subsection.

447 Section 7. For the purpose of incorporating the amendment
448 made by this act to section 782.04, Florida Statutes, in
449 references thereto, section 782.065, Florida Statutes, is
450 reenacted to read:

451 782.065 Murder; law enforcement officer.—Notwithstanding
452 ss. 775.082, 775.0823, 782.04, 782.051, and chapter 921, a
453 defendant shall be sentenced to life imprisonment without
454 eligibility for release upon findings by the trier of fact that,
455 beyond a reasonable doubt:



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456 (1) The defendant committed murder in the first degree in
457 violation of s. 782.04(1) and a death sentence was not imposed;
458 murder in the second or third degree in violation of s.
459 782.04(2), (3), or (4); attempted murder in the first or second
460 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
461 felony murder in violation of s. 782.051; and

462 (2) The victim of any offense described in subsection (1)
463 was a law enforcement officer, part-time law enforcement
464 officer, or auxiliary law enforcement officer, as those terms
465 are defined in s. 943.10, engaged in the lawful performance of a
466 legal duty.

467 Section 8. For the purpose of incorporating the amendment
468 made by this act to section 782.04, Florida Statutes, in a
469 reference thereto, subsection (3) of section 947.146, Florida
470 Statutes, is reenacted to read:

471 947.146 Control Release Authority.—

472 (3) Within 120 days prior to the date the state
473 correctional system is projected pursuant to s. 216.136 to
474 exceed 99 percent of total capacity, the authority shall
475 determine eligibility for and establish a control release date
476 for an appropriate number of parole ineligible inmates committed
477 to the department and incarcerated within the state who have
478 been determined by the authority to be eligible for
479 discretionary early release pursuant to this section. In
480 establishing control release dates, it is the intent of the
481 Legislature that the authority prioritize consideration of
482 eligible inmates closest to their tentative release date. The
483 authority shall rely upon commitment data on the offender
484 information system maintained by the department to initially



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485 identify inmates who are to be reviewed for control release
486 consideration. The authority may use a method of objective risk
487 assessment in determining if an eligible inmate should be
488 released. Such assessment shall be a part of the department's
489 management information system. However, the authority shall have
490 sole responsibility for determining control release eligibility,
491 establishing a control release date, and effectuating the
492 release of a sufficient number of inmates to maintain the inmate
493 population between 99 percent and 100 percent of total capacity.
494 Inmates who are ineligible for control release are inmates who
495 are parole eligible or inmates who:

496 (a) Are serving a sentence that includes a mandatory
497 minimum provision for a capital offense or drug trafficking
498 offense and have not served the number of days equal to the
499 mandatory minimum term less any jail-time credit awarded by the
500 court;

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

503 (c) Are convicted, or have been previously convicted, of
504 committing or attempting to commit sexual battery, incest, or
505 any of the following lewd or indecent assaults or acts:
506 masturbating in public; exposing the sexual organs in a
507 perverted manner; or nonconsensual handling or fondling of the
508 sexual organs of another person;

509 (d) Are convicted, or have been previously convicted, of
510 committing or attempting to commit assault, aggravated assault,
511 battery, or aggravated battery, and a sex act was attempted or
512 completed during commission of such offense;

513 (e) Are convicted, or have been previously convicted, of



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514 committing or attempting to commit kidnapping, burglary, or
515 murder, and the offense was committed with the intent to commit
516 sexual battery or a sex act was attempted or completed during
517 commission of the offense;

518 (f) Are convicted, or have been previously convicted, of
519 committing or attempting to commit false imprisonment upon a
520 child under the age of 13 and, in the course of committing the
521 offense, the inmate committed aggravated child abuse, sexual
522 battery against the child, or a lewd or lascivious offense
523 committed upon or in the presence of a person less than 16 years
524 of age;

525 (g) Are sentenced, have previously been sentenced, or have
526 been sentenced at any time under s. 775.084, or have been
527 sentenced at any time in another jurisdiction as a habitual
528 offender;

529 (h) Are convicted, or have been previously convicted, of
530 committing or attempting to commit assault, aggravated assault,
531 battery, aggravated battery, kidnapping, manslaughter, or murder
532 against an officer as defined in s. 943.10(1), (2), (3), (6),
533 (7), (8), or (9); against a state attorney or assistant state
534 attorney; or against a justice or judge of a court described in
535 Art. V of the State Constitution; or against an officer, judge,
536 or state attorney employed in a comparable position by any other
537 jurisdiction; or

538 (i) Are convicted, or have been previously convicted, of
539 committing or attempting to commit murder in the first, second,
540 or third degree under s. 782.04(1), (2), (3), or (4), or have
541 ever been convicted of any degree of murder or attempted murder
542 in another jurisdiction;



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543 (j) Are convicted, or have been previously convicted, of
544 DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or
545 have been sentenced at any time, as a habitual offender for such
546 offense, or have been sentenced at any time in another
547 jurisdiction as a habitual offender for such offense;

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

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

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

563 (m) Are convicted, or have been previously convicted, of
564 committing or attempting to commit manslaughter, kidnapping,
565 robbery, carjacking, home-invasion robbery, or a burglary under
566 s. 810.02(2).

567
568 In making control release eligibility determinations under this
569 subsection, the authority may rely on any document leading to or
570 generated during the course of the criminal proceedings,
571 including, but not limited to, any presentence or postsentence



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572 investigation or any information contained in arrest reports
573 relating to circumstances of the offense.

574 Section 9. This act shall take effect October 1, 2012.

575
576 ===== T I T L E A M E N D M E N T =====

577 And the title is amended as follows:

578
579 Delete everything before the enacting clause
580 and insert:

581 A bill to be entitled
582 An act relating to murder; providing a short title;
583 amending s. 782.04, F.S.; providing that the unlawful
584 killing of a human being when committed by a person
585 engaged in the perpetration of, or in the attempt to
586 perpetrate, the offense of aggravated fleeing or
587 eluding with serious bodily injury or death is murder
588 of a specified degree, dependent upon certain
589 circumstances; amending s. 782.065, F.S.; requiring
590 life imprisonment for defendants convicted of
591 specified offenses where the victim is a correctional
592 or correctional probation officer or a related type of
593 officer; amending s. 921.0022, F.S.; revising
594 provisions of the offense severity ranking chart of
595 the Criminal Punishment Code to conform to changes
596 made by the act; reenacting ss. 775.0823, 782.051,
597 782.065, and 947.146(3), F.S., relating to violent
598 offenses committed against law enforcement officers
599 and others, attempted felony murder, murder of a law
600 enforcement officer, and the Control Release



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601 Authority, respectively, to incorporate the amendment
602 made to s. 782.04, F.S., in references thereto;
603 providing an effective date.