

1                                   A bill to be entitled  
 2       An act relating to possession of a firearm or  
 3       destructive device during the commission of an  
 4       offense; amending s. 775.087, F.S.; providing that an  
 5       exception to the 10-year minimum term for persons  
 6       convicted of certain offenses during which the person  
 7       actually possessed a firearm or destructive device  
 8       does not to apply to offenders convicted for  
 9       possession of a firearm by a felon who have certain  
 10      prior convictions; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Paragraph (a) of subsection (2) of section  
 15   775.087, Florida Statutes, is amended to read:

16           775.087 Possession or use of weapon; aggravated battery;  
 17   felony reclassification; minimum sentence.—

18           (2)(a)1. Any person who is convicted of a felony or an  
 19   attempt to commit a felony, regardless of whether the use of a  
 20   weapon is an element of the felony, and the conviction was for:

- 21           a. Murder;
- 22           b. Sexual battery;
- 23           c. Robbery;
- 24           d. Burglary;
- 25           e. Arson;
- 26           f. Aggravated assault;
- 27           g. Aggravated battery;
- 28           h. Kidnapping;

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- 29 i. Escape;
- 30 j. Aircraft piracy;
- 31 k. Aggravated child abuse;
- 32 l. Aggravated abuse of an elderly person or disabled
- 33 adult;
- 34 m. Unlawful throwing, placing, or discharging of a
- 35 destructive device or bomb;
- 36 n. Carjacking;
- 37 o. Home-invasion robbery;
- 38 p. Aggravated stalking;
- 39 q. Trafficking in cannabis, trafficking in cocaine,
- 40 capital importation of cocaine, trafficking in illegal drugs,
- 41 capital importation of illegal drugs, trafficking in
- 42 phencyclidine, capital importation of phencyclidine, trafficking
- 43 in methaqualone, capital importation of methaqualone,
- 44 trafficking in amphetamine, capital importation of amphetamine,
- 45 trafficking in flunitrazepam, trafficking in gamma-
- 46 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
- 47 trafficking in Phenethylamines, or other violation of s.
- 48 893.135(1); or
- 49 r. Possession of a firearm by a felon

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51 and during the commission of the offense, such person actually

52 possessed a "firearm" or "destructive device" as those terms are

53 defined in s. 790.001, shall be sentenced to a minimum term of

54 imprisonment of 10 years, except that a person who is convicted

55 for aggravated assault, possession of a firearm by a felon, or

56 burglary of a conveyance shall be sentenced to a minimum term of

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57 | imprisonment of 3 years if such person possessed a "firearm" or  
58 | "destructive device" during the commission of the offense unless  
59 | such a person convicted for possession of a firearm by a felon  
60 | has a previous conviction of a felony or an attempt to commit a  
61 | felony listed in s. 775.084(1)(b)1. and actually possessed a  
62 | "firearm" or "destructive device" during the commission of that  
63 | offense.

64 |         2. Any person who is convicted of a felony or an attempt  
65 | to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
66 | regardless of whether the use of a weapon is an element of the  
67 | felony, and during the course of the commission of the felony  
68 | such person discharged a "firearm" or "destructive device" as  
69 | defined in s. 790.001 shall be sentenced to a minimum term of  
70 | imprisonment of 20 years.

71 |         3. Any person who is convicted of a felony or an attempt  
72 | to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
73 | regardless of whether the use of a weapon is an element of the  
74 | felony, and during the course of the commission of the felony  
75 | such person discharged a "firearm" or "destructive device" as  
76 | defined in s. 790.001 and, as the result of the discharge, death  
77 | or great bodily harm was inflicted upon any person, the  
78 | convicted person shall be sentenced to a minimum term of  
79 | imprisonment of not less than 25 years and not more than a term  
80 | of imprisonment of life in prison.

81 |         Section 2. This act shall take effect July 1, 2012.