



HB 427, Engrossed 1

2014

1 A bill to be entitled
2 An act relating to traveling across county lines to
3 commit a burglary; creating s. 843.22, F.S.; defining
4 the terms "county of residence" and "burglary";
5 providing for reclassification of burglaries committed
6 under certain circumstances; amending s. 903.046,
7 F.S.; adding a burglary that is reclassified under s.
8 843.22, F.S., to the factors a court must consider in
9 determining whether to release a defendant on bail;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 843.22, Florida Statutes, is created to
15 read:

16 843.22 Traveling across county lines with intent to commit
17 a burglary.-

18 (1) As used in this section, the term:

19 (a) "County of residence" means the county within this
20 state in which a person resides. Evidence of a person's county
21 of residence includes, but is not limited to:

22 1. The address on a person's driver license or state
23 identification card;

24 2. Records of real property or mobile home ownership;

25 3. Records of a lease agreement for residential property;

26 4. The county in which a person's motor vehicle is



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27 | registered;

28 | 5. The county in which a person is enrolled in an
29 | educational institution; and

30 | 6. The county in which a person is employed.

31 | (b) "Burglary" means burglary as defined in s. 810.02,
32 | including an attempt, solicitation, or conspiracy to commit such
33 | offense.

34 | (2) If a person who commits a burglary travels any
35 | distance with the intent to commit the burglary in a county in
36 | this state other than the person's county of residence, the
37 | degree of the burglary shall be reclassified to the next higher
38 | degree if the purpose of the person's travel is to thwart law
39 | enforcement attempts to track the items stolen in the burglary.
40 | For purposes of sentencing under chapter 921 and determining
41 | incentive gain-time eligibility under chapter 944, a burglary
42 | that is reclassified under this section is ranked one level
43 | above the ranking specified in s. 921.0022 or s. 921.0023 for
44 | the burglary committed.

45 | Section 2. Paragraph (1) of subsection (2) of section
46 | 903.046, Florida Statutes, is amended to read:

47 | 903.046 Purpose of and criteria for bail determination.—

48 | (2) When determining whether to release a defendant on
49 | bail or other conditions, and what that bail or those conditions
50 | may be, the court shall consider:

51 | (1) Whether the crime charged is a violation of chapter
52 | 874 or alleged to be subject to enhanced punishment under



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53 | chapter 874 or reclassification under s. 843.22. If any such
54 | violation is charged against a defendant or if the defendant is
55 | charged with a crime that is alleged to be subject to such
56 | enhancement or reclassification, he or she is ~~shall~~ not ~~be~~
57 | eligible for release on bail or surety bond until the first
58 | appearance on the case in order to ensure the full participation
59 | of the prosecutor and the protection of the public.

60 | Section 3. This act shall take effect October 1, 2014.