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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/05/2014	.	
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The Committee on Judiciary (Bradley) recommended the following:

Senate Amendment (with title amendment)

Between lines 49 and 50
insert:

Section 2. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 775.087, Florida Statutes, is amended to read:

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

(2)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a



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12 | weapon is an element of the felony, and the conviction was for:
13 | a. Murder;
14 | b. Sexual battery;
15 | c. Robbery;
16 | d. Burglary;
17 | e. Arson;
18 | ~~f. Aggravated assault;~~
19 | f.g. Aggravated battery;
20 | g.h. Kidnapping;
21 | h.i. Escape;
22 | i.j. Aircraft piracy;
23 | j.k. Aggravated child abuse;
24 | k.l. Aggravated abuse of an elderly person or disabled
25 | adult;
26 | l.m. Unlawful throwing, placing, or discharging of a
27 | destructive device or bomb;
28 | m.n. Carjacking;
29 | n.o. Home-invasion robbery;
30 | o.p. Aggravated stalking;
31 | p.q. Trafficking in cannabis, trafficking in cocaine,
32 | capital importation of cocaine, trafficking in illegal drugs,
33 | capital importation of illegal drugs, trafficking in
34 | phencyclidine, capital importation of phencyclidine, trafficking
35 | in methaqualone, capital importation of methaqualone,
36 | trafficking in amphetamine, capital importation of amphetamine,
37 | trafficking in flunitrazepam, trafficking in gamma-
38 | hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
39 | trafficking in Phenethylamines, or other violation of s.
40 | 893.135(1); or



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41 ~~q.f.~~ Possession of a firearm by a felon
42
43 and during the commission of the offense, such person actually
44 possessed a "firearm" or "destructive device" as those terms are
45 defined in s. 790.001, shall be sentenced to a minimum term of
46 imprisonment of 10 years, except that a person who is convicted
47 for ~~aggravated assault~~, possession of a firearm by a felon, or
48 burglary of a conveyance shall be sentenced to a minimum term of
49 imprisonment of 3 years if such person possessed a "firearm" or
50 "destructive device" during the commission of the offense.
51 However, if an offender who is convicted of the offense of
52 possession of a firearm by a felon has a previous conviction of
53 committing or attempting to commit a felony listed in s.
54 775.084(1)(b)1. and actually possessed a firearm or destructive
55 device during the commission of the prior felony, the offender
56 shall be sentenced to a minimum term of imprisonment of 10
57 years.

58 2. Any person who is convicted of a felony or an attempt to
59 commit a felony listed in sub-subparagraphs (a)1.a.-~~p.f.~~,
60 regardless of whether the use of a weapon is an element of the
61 felony, and during the course of the commission of the felony
62 such person discharged a "firearm" or "destructive device" as
63 defined in s. 790.001 shall be sentenced to a minimum term of
64 imprisonment of 20 years.

65 3. Any person who is convicted of a felony or an attempt to
66 commit a felony listed in sub-subparagraphs (a)1.a.-~~p.f.~~,
67 regardless of whether the use of a weapon is an element of the
68 felony, and during the course of the commission of the felony
69 such person discharged a "firearm" or "destructive device" as



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70 defined in s. 790.001 and, as the result of the discharge, death
71 or great bodily harm was inflicted upon any person, the
72 convicted person shall be sentenced to a minimum term of
73 imprisonment of not less than 25 years and not more than a term
74 of imprisonment of life in prison.

75 (3)(a)1. Any person who is convicted of a felony or an
76 attempt to commit a felony, regardless of whether the use of a
77 firearm is an element of the felony, and the conviction was for:

- 78 a. Murder;
- 79 b. Sexual battery;
- 80 c. Robbery;
- 81 d. Burglary;
- 82 e. Arson;
- 83 ~~f. Aggravated assault;~~
- 84 ~~f.g.~~ Aggravated battery;
- 85 ~~g.h.~~ Kidnapping;
- 86 ~~h.i.~~ Escape;
- 87 ~~i.j.~~ Sale, manufacture, delivery, or intent to sell,
88 manufacture, or deliver any controlled substance;
- 89 ~~j.k.~~ Aircraft piracy;
- 90 ~~k.l.~~ Aggravated child abuse;
- 91 ~~l.m.~~ Aggravated abuse of an elderly person or disabled
92 adult;
- 93 ~~m.n.~~ Unlawful throwing, placing, or discharging of a
94 destructive device or bomb;
- 95 ~~n.o.~~ Carjacking;
- 96 ~~o.p.~~ Home-invasion robbery;
- 97 ~~p.q.~~ Aggravated stalking; or
- 98 ~~q.r.~~ Trafficking in cannabis, trafficking in cocaine,



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99 capital importation of cocaine, trafficking in illegal drugs,
100 capital importation of illegal drugs, trafficking in
101 phencyclidine, capital importation of phencyclidine, trafficking
102 in methaqualone, capital importation of methaqualone,
103 trafficking in amphetamine, capital importation of amphetamine,
104 trafficking in flunitrazepam, trafficking in gamma-
105 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
106 trafficking in Phenethylamines, or other violation of s.
107 893.135(1);

108
109 and during the commission of the offense, such person possessed
110 a semiautomatic firearm and its high-capacity detachable box
111 magazine or a machine gun as defined in s. 790.001, shall be
112 sentenced to a minimum term of imprisonment of 15 years.

113 2. Any person who is convicted of a felony or an attempt to
114 commit a felony listed in subparagraph (a)1., regardless of
115 whether the use of a weapon is an element of the felony, and
116 during the course of the commission of the felony such person
117 discharged a semiautomatic firearm and its high-capacity box
118 magazine or a "machine gun" as defined in s. 790.001 shall be
119 sentenced to a minimum term of imprisonment of 20 years.

120 3. Any person who is convicted of a felony or an attempt to
121 commit a felony listed in subparagraph (a)1., regardless of
122 whether the use of a weapon is an element of the felony, and
123 during the course of the commission of the felony such person
124 discharged a semiautomatic firearm and its high-capacity box
125 magazine or a "machine gun" as defined in s. 790.001 and, as the
126 result of the discharge, death or great bodily harm was
127 inflicted upon any person, the convicted person shall be



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128 sentenced to a minimum term of imprisonment of not less than 25
129 years and not more than a term of imprisonment of life in
130 prison.

131
132 ===== T I T L E A M E N D M E N T =====

133 And the title is amended as follows:

134 Delete line 3

135 and insert:

136 providing legislative findings and intent; amending s.
137 775.087, F.S.; removing aggravated assault from the
138 list of offenses that qualify for certain minimum
139 mandatory sentences; amending s.