

By Senator Hutson

6-00169-16

2016150__

1 A bill to be entitled
2 An act relating to offenses by illegal immigrants;
3 creating s. 775.0863, F.S.; requiring specified
4 offenses to be reclassified if committed by an illegal
5 immigrant; specifying the reclassification of these
6 offenses and enhancement of the level of the ranking
7 for purposes of sentencing; providing an effective
8 date.

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

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12 Section 1. Section 775.0863, Florida Statutes, is created
13 to read:

14 775.0863 Offenses against persons by illegal immigrants;
15 reclassification.-

16 (1) The felony or misdemeanor degree of any violation of
17 any of the following provisions shall be reclassified as
18 provided in this section if the offense is committed against a
19 person in this state by an immigrant, as defined in 8 U.S.C. s.
20 1101(a)(15), who is unlawfully present in the United States:

21 (a) Section 784.011, relating to assault.

22 (b) Section 784.021, relating to aggravated assault.

23 (c) Section 784.03, relating to battery.

24 (d) Section 784.041, relating to felony battery.

25 (e) A statute defining any offense listed in s.

26 775.084(1)(b)1.

27 (f) Any other statute defining an offense that involves the
28 use or threat of physical force or violence against any
29 individual.

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30 (2) In the case of an offense identified in paragraphs

31 (1) (a) - (f) :

32 (a) A misdemeanor of the second degree shall be
33 reclassified as a misdemeanor of the first degree.

34 (b) A misdemeanor of the first degree shall be reclassified
35 as a felony of the third degree. For purposes of sentencing
36 under chapter 921, such offense shall be ranked in level 2 of
37 the offense severity ranking chart.

38 (c) A felony of the third degree shall be reclassified as a
39 felony of the second degree.

40 (d) A felony of the second degree shall be reclassified as
41 a felony of the first degree.

42 (e) A felony of the first degree shall be reclassified as a
43 life felony.

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45 For purposes of sentencing under chapter 921 and determining
46 incentive gain-time eligibility under chapter 944, a felony
47 offense that is reclassified under this subsection shall be
48 ranked one level above the ranking specified under s. 921.0022
49 or s. 921.0023 for the offense.

50 Section 2. This act shall take effect July 1, 2016.