

By the Committee on Judiciary; and Senators Hutson and Steube

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1 A bill to be entitled
2 An act relating to offenses by aliens unlawfully
3 present in the United States; creating s. 775.0864,
4 F.S.; requiring specified offenses to be reclassified
5 if committed by such aliens; specifying the
6 reclassification of these offenses; specifying the
7 enhancement of the level of the ranking for purposes
8 of sentencing and gain-time eligibility; amending s.
9 921.0022, F.S.; revising references to offense
10 reclassification provisions to conform to changes made
11 by the act; providing an effective date.

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

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15 Section 1. Section 775.0864, Florida Statutes, is created
16 to read:

17 775.0864 Offenses against persons by unlawfully present
18 aliens; reclassification.-

19 (1) A violation of any of the following provisions must be
20 reclassified to the next higher degree, as provided in
21 subsection (2), if the offense is committed against a person in
22 this state by an alien, as defined in 8 U.S.C. s. 1101(a), who
23 is unlawfully present in the United States:

24 (a) Section 794.011, relating to sexual battery.

25 (b) Section 784.021(1)(a), relating to aggravated assault
26 with a deadly weapon.

27 (c) Section 782.04, relating to murder.

28 (d) Section 790.1615, relating to unlawful throwing,
29 placing, or discharging of a destructive device or bomb.

30 (e) Section 810.02(2)(b), relating to armed burglary.

31 (2) In the case of an offense identified in subsection (1):

32 (a) A misdemeanor of the first degree is reclassified to a

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33 felony of the third degree. For purposes of sentencing under
34 chapter 921, such offense is ranked in level 2 of the offense
35 severity ranking chart.

36 (b) A felony of the third degree is reclassified to a
37 felony of the second degree.

38 (c) A felony of the second degree is reclassified to a
39 felony of the first degree.

40 (d) A felony of the first degree is reclassified to a life
41 felony.

42
43 For purposes of sentencing under chapter 921 and determining
44 incentive gain-time eligibility under chapter 944, a felony
45 offense that is reclassified under this subsection is ranked one
46 level above the ranking specified under s. 921.0022 or s.
47 921.0023 of the felony offense committed.

48 Section 2. Subsection (2) of section 921.0022, Florida
49 Statutes, is amended to read:

50 921.0022 Criminal Punishment Code; offense severity ranking
51 chart.—

52 (2) The offense severity ranking chart has 10 offense
53 levels, ranked from least severe, which are level 1 offenses, to
54 most severe, which are level 10 offenses, and each felony
55 offense is assigned to a level according to the severity of the
56 offense. For purposes of determining which felony offenses are
57 specifically listed in the offense severity ranking chart and
58 which severity level has been assigned to each of these
59 offenses, the numerical statutory references in the left column
60 of the chart and the felony degree designations in the middle
61 column of the chart are controlling; the language in the right

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62 column of the chart is provided solely for descriptive purposes.
63 Reclassification of the degree of the felony through the
64 application of s. 775.0845, s. 775.085, s. 775.0861, s.
65 775.0862, s. 775.0863, s. 775.0864, s. 775.087, s. 775.0875, s.
66 794.023, or any other law that provides an enhanced penalty for
67 a felony offense, to any offense listed in the offense severity
68 ranking chart in this section shall not cause the offense to
69 become unlisted and is not subject to the provisions of s.
70 921.0023.

71 Section 3. This act shall take effect July 1, 2017.