

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

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

14
 15 Section 1. Section 775.0864, Florida Statutes, is created
 16 to read:

17 775.0864 Offenses against persons by illegal immigrants;
 18 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 784.011, relating to assault.

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

26 | (c) Section 784.03, relating to battery.
 27 | (d) Section 784.041, relating to felony battery.
 28 | (e) A statute defining any offense listed in s.
 29 | 775.084(1)(b)1.
 30 | (f) A statute defining any offense that involves the use
 31 | or threat of physical force or violence against another person.
 32 | (2) In the case of an offense identified in subsection
 33 | (1):
 34 | (a) A misdemeanor of the second degree is reclassified to
 35 | a misdemeanor of the first degree.
 36 | (b) A misdemeanor of the first degree is reclassified to a
 37 | felony of the third degree. For purposes of sentencing under
 38 | chapter 921, such offense is ranked in level 2 of the offense
 39 | severity ranking chart.
 40 | (c) A felony of the third degree is reclassified to a
 41 | felony of the second degree.
 42 | (d) A felony of the second degree is reclassified to a
 43 | felony of the first degree.
 44 | (e) A felony of the first degree is reclassified to a life
 45 | felony.
 46 |
 47 | For purposes of sentencing under chapter 921 and determining
 48 | incentive gain-time eligibility under chapter 944, a felony
 49 | offense that is reclassified under this subsection is ranked one
 50 | level above the ranking specified under s. 921.0022 or s.

51 921.0023 of the felony offense committed.

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

54 921.0022 Criminal Punishment Code; offense severity
55 ranking chart.—

56 (2) The offense severity ranking chart has 10 offense
57 levels, ranked from least severe, which are level 1 offenses, to
58 most severe, which are level 10 offenses, and each felony
59 offense is assigned to a level according to the severity of the
60 offense. For purposes of determining which felony offenses are
61 specifically listed in the offense severity ranking chart and
62 which severity level has been assigned to each of these
63 offenses, the numerical statutory references in the left column
64 of the chart and the felony degree designations in the middle
65 column of the chart are controlling; the language in the right
66 column of the chart is provided solely for descriptive purposes.
67 Reclassification of the degree of the felony through the
68 application of s. 775.0845, s. 775.085, s. 775.0861, s.
69 775.0862, s. 775.0863, s. 775.0864, s. 775.087, s. 775.0875, s.
70 794.023, or any other law that provides an enhanced penalty for
71 a felony offense, to any offense listed in the offense severity
72 ranking chart in this section shall not cause the offense to
73 become unlisted and is not subject to the provisions of s.
74 921.0023.

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