

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
32 | (1):

33 | (a) A misdemeanor of the first degree is reclassified to a
34 | felony of the third degree. For purposes of sentencing under
35 | chapter 921, such offense is ranked in level 2 of the offense
36 | severity ranking chart.

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

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

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

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

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

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

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

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