

By Senator Brandes

24-01410-18

20181886__

1 A bill to be entitled
2 An act relating to contraband in county detention
3 facilities; amending s. 951.22, F.S.; prohibiting
4 introduction into or possession on the grounds of any
5 county detention facility of any cellular telephone or
6 other portable communication device; defining the term
7 "portable communication device"; providing criminal
8 penalties; amending s. 921.0022, F.S.; conforming
9 provisions to changes made by the act; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 951.22, Florida Statutes, is amended to
15 read:

16 951.22 County detention facilities; contraband articles.—

17 (1) It is unlawful, except through regular channels as duly
18 authorized by the sheriff or officer in charge, to introduce
19 into or possess upon the grounds of any county detention
20 facility as defined in s. 951.23 or to give to or receive from
21 any inmate of any such facility wherever said inmate is located
22 at the time or to take or to attempt to take or send therefrom
23 any of the following articles which are hereby declared to be
24 contraband:

25 (a) ~~for the purposes of this act, to wit:~~ Any written or
26 recorded communication.†

27 (b) Any currency or coin.†

28 (c) Any article of food or clothing.†

29 (d) Any tobacco products as defined in s. 210.25(12).†

24-01410-18

20181886__

30 (e) Any cigarette as defined in s. 210.01(1).~~†~~

31 (f) Any cigar.~~†~~

32 (g) Any intoxicating beverage or beverage which causes or
33 may cause an intoxicating effect.~~†~~

34 (h) Any narcotic, hypnotic, or excitative drug or drug of
35 any kind or nature, including nasal inhalators, sleeping pills,
36 barbiturates, and controlled substances as defined in s.
37 893.02(4).~~†~~

38 (i) Any firearm or any instrumentality customarily used or
39 which is intended to be used as a dangerous weapon.~~†~~~~and~~

40 (j) Any instrumentality of any nature that may be or is
41 intended to be used as an aid in effecting or attempting to
42 effect an escape from a county facility.

43 (k) Any cellular telephone or other portable communication
44 device intentionally and unlawfully introduced inside the secure
45 perimeter of any county detention facility without prior
46 authorization or consent from the sheriff or officer in charge
47 of such detention facility. As used in this paragraph, the term
48 "portable communication device" means any device carried, worn,
49 or stored which is designed or intended to receive or transmit
50 verbal or written messages, access or store data, or connect
51 electronically to the Internet or any other electronic device
52 and which allows communications in any form. Such devices
53 include, but are not limited to, portable two-way pagers,
54 handheld radios, cellular telephones, Blackberry-type devices,
55 personal digital assistants or PDAs, laptop computers, or any
56 components of these devices which are intended to be used to
57 assemble such devices. The term also includes any new technology
58 that is developed for similar purposes. Excluded from this

24-01410-18

20181886__

59 definition is any device having communication capabilities which
 60 has been approved or issued by the sheriff or officer in charge
 61 for investigative or institutional security purposes or for
 62 conducting other official business.

63 (2) A person who ~~Whoever~~ violates subsection (1) commits
 64 ~~shall be guilty of~~ a felony of the third degree, punishable as
 65 provided in s. 775.082, s. 775.083, or s. 775.084.

66 Section 2. Paragraph (f) of subsection (3) of section
 67 921.0022, Florida Statutes, is amended to read:

68 921.0022 Criminal Punishment Code; offense severity ranking
 69 chart.-

70 (3) OFFENSE SEVERITY RANKING CHART

71 (f) LEVEL 6

72

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

73

316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
-----------------	-----	---

74

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
-----------------	-----	---

75

400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
------------------	-----	--

76

499.0051 (2)	2nd	Knowing forgery of transaction
--------------	-----	--------------------------------

24-01410-18

20181886__

history, transaction
information, or transaction
statement.

77

499.0051 (3) 2nd Knowing purchase or receipt of
prescription drug from
unauthorized person.

78

499.0051 (4) 2nd Knowing sale or transfer of
prescription drug to
unauthorized person.

79

775.0875 (1) 3rd Taking firearm from law
enforcement officer.

80

784.021 (1) (a) 3rd Aggravated assault; deadly
weapon without intent to kill.

81

784.021 (1) (b) 3rd Aggravated assault; intent to
commit felony.

82

784.041 3rd Felony battery; domestic
battery by strangulation.

83

784.048 (3) 3rd Aggravated stalking; credible
threat.

84

784.048 (5) 3rd Aggravated stalking of person
under 16.

24-01410-18

20181886__

85
86
87
88
89
90
91
92
93

- 784.07 (2) (c) 2nd Aggravated assault on law enforcement officer.
- 784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.
- 784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.
- 784.081 (2) 2nd Aggravated assault on specified official or employee.
- 784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.
- 784.083 (2) 2nd Aggravated assault on code inspector.
- 787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.
- 790.115 (2) (d) 2nd Discharging firearm or weapon on school property.
- 790.161 (2) 2nd Make, possess, or throw

24-01410-18

20181886__

94

destructive device with intent
to do bodily harm or damage
property.

790.164 (1)

2nd

False report concerning bomb,
explosive, weapon of mass
destruction, act of arson or
violence to state property, or
use of firearms in violent
manner.

95

790.19

2nd

Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

96

794.011 (8) (a)

3rd

Solicitation of minor to
participate in sexual activity
by custodial adult.

97

794.05 (1)

2nd

Unlawful sexual activity with
specified minor.

98

800.04 (5) (d)

3rd

Lewd or lascivious molestation;
victim 12 years of age or older
but less than 16 years of age;
offender less than 18 years.

99

800.04 (6) (b)

2nd

Lewd or lascivious conduct;
offender 18 years of age or

24-01410-18

20181886__

older.

100

806.031(2) 2nd Arson resulting in great bodily
harm to firefighter or any
other person.

101

810.02(3)(c) 2nd Burglary of occupied structure;
unarmed; no assault or battery.

102

810.145(8)(b) 2nd Video voyeurism; certain minor
victims; 2nd or subsequent
offense.

103

812.014(2)(b)1. 2nd Property stolen \$20,000 or
more, but less than \$100,000,
grand theft in 2nd degree.

104

812.014(6) 2nd Theft; property stolen \$3,000
or more; coordination of
others.

105

812.015(9)(a) 2nd Retail theft; property stolen
\$300 or more; second or
subsequent conviction.

106

812.015(9)(b) 2nd Retail theft; property stolen
\$3,000 or more; coordination of
others.

107

24-01410-18 20181886__

108	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
109	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
110	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
111	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
112	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
113	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
114	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
115	827.03(2)(c)	3rd	Abuse of a child.
116	827.03(2)(d)	3rd	Neglect of a child.
	827.071(2) & (3)	2nd	Use or induce a child in a

24-01410-18

20181886__

sexual performance, or promote
or direct such performance.

117

836.05 2nd Threats; extortion.

118

836.10 2nd Written threats to kill or do
bodily injury.

119

843.12 3rd Aids or assists person to
escape.

120

847.011 3rd Distributing, offering to
distribute, or possessing with
intent to distribute obscene
materials depicting minors.

121

847.012 3rd Knowingly using a minor in the
production of materials harmful
to minors.

122

847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

123

914.23 2nd Retaliation against a witness,
victim, or informant, with
bodily injury.

124

944.35(3)(a)2. 3rd Committing malicious battery

24-01410-18

20181886__

upon or inflicting cruel or
inhuman treatment on an inmate
or offender on community
supervision, resulting in great
bodily harm.

125

944.40 2nd Escapes.

126

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

127

944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

128

951.22(1) 3rd Introduction of contraband into
county detention facility
~~Intoxicating drug, firearm, or~~
~~weapon introduced into county~~
~~facility.~~

129

130

Section 3. This act shall take effect October 1, 2018.