

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Amesty offered the following:

4

5 **Amendment**

6 Remove lines 65-167 and insert:

7 If the community sanction violation is resolved through the  
 8 alternative sanctioning program under s. 948.06(9), no points  
 9 are assessed. If a community sanction violation not resolved  
 10 through the alternative sanctioning program is before the court,  
 11 no points are assessed for prior violations that were resolved  
 12 through the alternative sanctioning program.

13 Prior serious felony points: If the offender has a primary  
 14 offense or any additional offense ranked in level 8, level 9, or  
 15 level 10, and one or more prior serious felonies, a single

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16 assessment of thirty (30) points shall be added. For purposes of  
17 this section, a prior serious felony is an offense in the  
18 offender's prior record that is ranked in level 8, level 9, or  
19 level 10 under s. 921.0022 or s. 921.0023 and for which the  
20 offender is serving a sentence of confinement, supervision, or  
21 other sanction or for which the offender's date of release from  
22 confinement, supervision, or other sanction, whichever is later,  
23 is within 3 years before the date the primary offense or any  
24 additional offense was committed.

25 Prior capital felony points: If the offender has one or more  
26 prior capital felonies in the offender's criminal record, points  
27 shall be added to the subtotal sentence points of the offender  
28 equal to twice the number of points the offender receives for  
29 the primary offense and any additional offense. A prior capital  
30 felony in the offender's criminal record is a previous capital  
31 felony offense for which the offender has entered a plea of nolo  
32 contendere or guilty or has been found guilty; or a felony in  
33 another jurisdiction which is a capital felony in that  
34 jurisdiction, or would be a capital felony if the offense were  
35 committed in this state.

36 Possession of a firearm, semiautomatic firearm, or machine gun:  
37 If the offender is convicted of committing or attempting to  
38 commit any felony other than those enumerated in s. 775.087(2)  
39 while having in his or her possession: a firearm as defined in

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40 s. 790.001(6), an additional eighteen (18) sentence points are  
41 assessed; or if the offender is convicted of committing or  
42 attempting to commit any felony other than those enumerated in  
43 s. 775.087(3) while having in his or her possession a  
44 semiautomatic firearm as defined in s. 775.087(3) or a machine  
45 gun as defined in s. 790.001(9), an additional twenty-five (25)  
46 sentence points are assessed.

## 47 Sentencing multipliers:

48 Drug trafficking: If the primary offense is drug trafficking  
49 under s. 893.135, the subtotal sentence points are multiplied,  
50 at the discretion of the court, for a level 7 or level 8  
51 offense, by 1.5. The state attorney may move the sentencing  
52 court to reduce or suspend the sentence of a person convicted of  
53 a level 7 or level 8 offense, if the offender provides  
54 substantial assistance as described in s. 893.135(4).

55 Law enforcement protection: If the primary offense is a  
56 violation of the Law Enforcement Protection Act under s.  
57 775.0823(2), (3), or (4), the subtotal sentence points are  
58 multiplied by 2.5. If the primary offense is a violation of s.  
59 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
60 are multiplied by 2.0. If the primary offense is a violation of  
61 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement

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62 Protection Act under s. 775.0823(10) or (11), the subtotal  
63 sentence points are multiplied by 1.5.

64 Grand theft of a motor vehicle: If the primary offense is grand  
65 theft of the third degree involving a motor vehicle and in the  
66 offender's prior record, there are three or more grand thefts of  
67 the third degree involving a motor vehicle, the subtotal  
68 sentence points are multiplied by 1.5.

69 Offense related to a criminal gang: If the offender is convicted  
70 of the primary offense and committed that offense for the  
71 purpose of benefiting, promoting, or furthering the interests of  
72 a criminal gang as defined in s. 874.03, the subtotal sentence  
73 points are multiplied by 1.5. If applying the multiplier results  
74 in the lowest permissible sentence exceeding the statutory  
75 maximum sentence for the primary offense under chapter 775, the  
76 court may not apply the multiplier and must sentence the  
77 defendant to the statutory maximum sentence.

78 Domestic violence in the presence of a child: If the offender is  
79 convicted of the primary offense and the primary offense is a  
80 crime of domestic violence, as defined in s. 741.28, which was  
81 committed in the presence of a child under 16 years of age who  
82 is a family or household member as defined in s. 741.28(3) with  
83 the victim or perpetrator, the subtotal sentence points are  
84 multiplied by 1.5.

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85 Adult-on-minor sex offense: If the offender was 18 years of age  
86 or older and the victim was younger than 18 years of age at the  
87 time the offender committed the primary offense, and if the  
88 primary offense was an offense committed on or after October 1,  
89 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
90 violation involved a victim who was a minor and, in the course  
91 of committing that violation, the defendant committed a sexual  
92 battery under chapter 794 or a lewd act under s. 800.04 or s.  
93 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
94 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
95 800.04; or s. 847.0135(5), the subtotal sentence points are  
96 multiplied by 2.0. If applying the multiplier results in the  
97 lowest permissible sentence exceeding the statutory maximum  
98 sentence for the primary offense under chapter 775, the court  
99 may not apply the multiplier and must sentence the defendant to  
100 the statutory maximum sentence.