

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to reclassification of criminal
3 penalties; creating s. 775.0848, F.S.; defining the
4 term "removal"; requiring reclassification of the
5 penalty for the commission of a new felony committed
6 by a person who unlawfully reenters the United States
7 and while remaining unlawfully present after having
8 been deported or removed from the United States under
9 federal immigration proceedings for committing a
10 felony, or who has departed the United States while
11 such an order of deportation or removal was
12 outstanding; creating s. 908.12, F.S.; defining the
13 term "transnational crime organization"; authorizing
14 reclassification of the penalty for any felony or
15 misdemeanor offenses or certain other acts or
16 violations upon a specified finding by the factfinder;
17 specifying that the penalty enhancement affects only
18 the applicable statutory maximum sentence; requiring
19 that each of the findings required as a basis for such
20 sentence be found beyond a reasonable doubt; providing
21 an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 775.0848, Florida Statutes, is created
26 to read:

27 775.0848 Commission of a felony after unlawful reentry into
28 the United States; reclassification.-

29 (1) As used in this section, the term "removal" means any

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30 agreement in which a person stipulates to removal during a
31 criminal proceeding under federal or state law.

32 (2) A person who has been deported or removed from the
33 United States under federal immigration proceedings for
34 committing a felony, or has departed the United States while
35 such an order of deportation or removal is outstanding, shall
36 have the penalty for committing a new felony after unlawfully
37 reentering the United States and while remaining unlawfully
38 present reclassified in the following manner:

39 (a) A felony of the third degree is reclassified to a
40 felony of the second degree.

41 (b) A felony of the second degree is reclassified to a
42 felony of the first degree.

43 (c) A felony of the first degree is reclassified to a life
44 felony.

45 Section 2. Section 908.12, Florida Statutes, is created to
46 read:

47 908.12 Transnational crime organizations;
48 reclassification.—

49 (1) As used in this section, the term "transnational crime
50 organization" means an organization that routinely facilitates
51 the international trafficking of drugs, humans, or weapons or
52 the international smuggling of humans.

53 (2) Upon a finding by the factfinder that a defendant
54 committed the charged offense for the purpose of benefiting,
55 promoting, or furthering the interests of a transnational crime
56 organization, the penalty for any felony or misdemeanor, or for
57 any delinquent act or violation of law which would be a felony
58 or misdemeanor if committed by an adult, may be reclassified

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59 under this subsection. A penalty enhancement affects only the
60 applicable statutory maximum sentence, and each of the findings
61 required as a basis for such sentence must be found beyond a
62 reasonable doubt. The reclassification is as follows:

63 (a) A misdemeanor of the second degree is reclassified to a
64 misdemeanor of the first degree.

65 (b) A misdemeanor of the first degree is reclassified to a
66 felony of the third degree.

67 (c) A felony of the third degree is reclassified to a
68 felony of the second degree.

69 (d) A felony of the second degree is reclassified to a
70 felony of the first degree.

71 (e) A felony of the first degree is reclassified to a life
72 felony.

73 Section 3. This act shall take effect October 1, 2024.