

HB 1449

2024

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.

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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
 28 | into the United States; reclassification.-

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