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1 A bill to be entitled
2 An act relating to murder; amending s. 782.04, F.S.;
3 providing that the unlawful killing of a human being
4 when committed by a person engaged in the perpetration
5 of, or in the attempt to perpetrate, the offense of
6 aggravated fleeing or eluding, is murder of a
7 specified degree, dependent upon certain
8 circumstances; amending s. 921.0022, F.S.; revising
9 provisions of the offense severity ranking chart of
10 the Criminal Punishment Code to conform to changes
11 made by the act; reenacting ss. 775.0823, 782.051,
12 782.065, and 947.146(3), F.S., relating to violent
13 offenses committed against law enforcement officers
14 and others, attempted felony murder, murder of a law
15 enforcement officer, and the Control Release
16 Authority, respectively, to incorporate the amendments
17 made to s. 782.04, F.S., in references thereto;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 782.04, Florida Statutes, is amended to
23 read:

24 782.04 Murder.—

25 (1)(a) The unlawful killing of a human being:

26 1. When perpetrated from a premeditated design to effect
27 the death of the person killed or any human being;

28 2. When committed by a person engaged in the perpetration

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29 of, or in the attempt to perpetrate, any:

30 a. Trafficking offense prohibited by s. 893.135(1),

31 b. Arson,

32 c. Sexual battery,

33 d. Robbery,

34 e. Burglary,

35 f. Kidnapping,

36 g. Escape,

37 h. Aggravated child abuse,

38 i. Aggravated abuse of an elderly person or disabled

39 adult,

40 j. Aircraft piracy,

41 k. Unlawful throwing, placing, or discharging of a

42 destructive device or bomb,

43 l. Carjacking,

44 m. Home-invasion robbery,

45 n. Aggravated stalking,

46 o. Murder of another human being,

47 p. Resisting an officer with violence to his or her

48 person,

49 q. Aggravated fleeing or eluding,

50 r.~~q.~~ Felony that is an act of terrorism or is in

51 furtherance of an act of terrorism; or

52 3. Which resulted from the unlawful distribution of any

53 substance controlled under s. 893.03(1), cocaine as described in

54 s. 893.03(2)(a)4., opium or any synthetic or natural salt,

55 compound, derivative, or preparation of opium, or methadone by a

56 person 18 years of age or older, when such drug is proven to be

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57 the proximate cause of the death of the user,

58
59 is murder in the first degree and constitutes a capital felony,
60 punishable as provided in s. 775.082.

61 (b) In all cases under this section, the procedure set
62 forth in s. 921.141 shall be followed in order to determine
63 sentence of death or life imprisonment.

64 (2) The unlawful killing of a human being, when
65 perpetrated by any act imminently dangerous to another and
66 evincing a depraved mind regardless of human life, although
67 without any premeditated design to effect the death of any
68 particular individual, is murder in the second degree and
69 constitutes a felony of the first degree, punishable by
70 imprisonment for a term of years not exceeding life or as
71 provided in s. 775.082, s. 775.083, or s. 775.084.

72 (3) When a human being ~~person~~ is killed during ~~in~~ the
73 perpetration of, or during ~~in~~ the attempt to perpetrate, any:

- 74 (a) Trafficking offense prohibited by s. 893.135(1),
75 (b) Arson,
76 (c) Sexual battery,
77 (d) Robbery,
78 (e) Burglary,
79 (f) Kidnapping,
80 (g) Escape,
81 (h) Aggravated child abuse,
82 (i) Aggravated abuse of an elderly person or disabled
83 adult,
84 (j) Aircraft piracy,

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(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,

(l) Carjacking,

(m) Home-invasion robbery,

(n) Aggravated stalking,

(o) Murder of another human being,

(p) Aggravated fleeing or eluding,

(q)~~(p)~~ Resisting an officer with violence to his or her person, or

(r)~~(q)~~ Felony that is an act of terrorism or is in furtherance of an act of terrorism,

by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony is guilty of murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

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113 (f) Kidnapping,
114 (g) Escape,
115 (h) Aggravated child abuse,
116 (i) Aggravated abuse of an elderly person or disabled
117 adult,
118 (j) Aircraft piracy,
119 (k) Unlawful throwing, placing, or discharging of a
120 destructive device or bomb,
121 (l) Unlawful distribution of any substance controlled
122 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
123 or opium or any synthetic or natural salt, compound, derivative,
124 or preparation of opium by a person 18 years of age or older,
125 when such drug is proven to be the proximate cause of the death
126 of the user,
127 (m) Carjacking,
128 (n) Home-invasion robbery,
129 (o) Aggravated stalking,
130 (p) Murder of another human being,
131 (q) Aggravated fleeing or eluding,
132 (r)~~(q)~~ Resisting an officer with violence to his or her
133 person, or
134 (s)~~(r)~~ Felony that is an act of terrorism or is in
135 furtherance of an act of terrorism,
136
137 is murder in the third degree and constitutes a felony of the
138 second degree, punishable as provided in s. 775.082, s. 775.083,
139 or s. 775.084.
140 (5) As used in this section, the term "terrorism" means an

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activity that:

(a)1. Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

2. Involves a violation of s. 815.06; and

(b) Is intended to:

1. Intimidate, injure, or coerce a civilian population;

2. Influence the policy of a government by intimidation or coercion; or

3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

Section 2. Paragraphs (h) and (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193	2nd	DUI manslaughter.
(3) (c) 3.a.		
316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.

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162	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
163	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
164	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
165	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
166	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
167	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
168	777.03 (2) (a)	1st	Accessory after the fact, capital felony.

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169	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, <u>aggravated fleeing or eluding</u> , aircraft piracy, or unlawfully discharging bomb.
170	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
171	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
172	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
173	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
174	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

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175	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
176	800.04 (4)	2nd	Lewd or lascivious battery.
177	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
178	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
179	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
180	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
181	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
182	812.13 (2) (b)	1st	Robbery with a weapon.
183	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.

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184	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
185	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
186	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
187	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
188	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
189	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
190	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
191	860.16	1st	Aircraft piracy.

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192	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
193	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
194	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
195	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
196	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
197	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
198	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
199	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

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200	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
201	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
202	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
203	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
204	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
205	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
206	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real

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property.

895.03 (3) 1st Conduct or participate in any
enterprise through pattern of
racketeering activity.

896.101 (5) (b) 2nd Money laundering, financial
transactions totaling or exceeding
\$20,000, but less than \$100,000.

896.104 (4) (a) 2. 2nd Structuring transactions to evade
reporting or registration requirements,
financial transactions totaling or
exceeding \$20,000 but less than
\$100,000.

(i) LEVEL 9

Florida Statute	Felony Degree	Description
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316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
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327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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216	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
217	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
218	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
219	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
220	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
221	775.0844	1st	Aggravated white collar crime.
222	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery,

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burglary, aggravated fleeing or
eluding, and other specified felonies.

782.051(1) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony enumerated in s.
782.04(3) .

782.07(2) 1st Aggravated manslaughter of an elderly
person or disabled adult.

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward
or as a shield or hostage.

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or
facilitate commission of any felony.

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere
with performance of any governmental
or political function.

787.02(3)(a) 1st False imprisonment; child under age
13; perpetrator also commits
aggravated child abuse, sexual
battery, or lewd or lascivious
battery, molestation, conduct, or
exhibition.

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230	790.161	1st	Attempted capital destructive device offense.
231	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
232	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
233	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
234	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
235	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
236	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years

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or older.

237

812.13 (2) (a) 1st, PBL Robbery with firearm or other deadly
weapon.

238

812.133 (2) (a) 1st, PBL Carjacking; firearm or other deadly
weapon.

239

812.135 (2) (b) 1st Home-invasion robbery with weapon.

240

817.568 (7) 2nd,
PBL Fraudulent use of personal
identification information of an
individual under the age of 18 by his
or her parent, legal guardian, or
person exercising custodial authority.

241

827.03 (2) 1st Aggravated child abuse.

242

847.0145 (1) 1st Selling, or otherwise transferring
custody or control, of a minor.

243

847.0145 (2) 1st Purchasing, or otherwise obtaining
custody or control, of a minor.

244

859.01 1st Poisoning or introducing bacteria,
radioactive materials, viruses, or
chemical compounds into food, drink,

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medicine, or water with intent to kill
or injure another person.

893.135 1st Attempted capital trafficking offense.

893.135 (1) (a) 3. 1st Trafficking in cannabis, more than
10,000 lbs.

893.135 1st Trafficking in cocaine, more than 400
(1) (b) 1.c. grams, less than 150 kilograms.

893.135 1st Trafficking in illegal drugs, more
(1) (c) 1.c. than 28 grams, less than 30 kilograms.

893.135 1st Trafficking in phencyclidine, more
(1) (d) 1.c. than 400 grams.

893.135 1st Trafficking in methaqualone, more than
(1) (e) 1.c. 25 kilograms.

893.135 1st Trafficking in amphetamine, more than
(1) (f) 1.c. 200 grams.

893.135 1st Trafficking in gamma-hydroxybutyric
(1) (h) 1.c. acid (GHB), 10 kilograms or more.

893.135 1st Trafficking in 1,4-Butanediol, 10

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(1) (j) 1.c. kilograms or more.

893.135 1st Trafficking in Phenethylamines, 400
(1) (k) 2.c. grams or more.

896.101 (5) (c) 1st Money laundering, financial
instruments totaling or exceeding
\$100,000.

896.104 (4) (a) 3. 1st Structuring transactions to evade
reporting or registration
requirements, financial transactions
totaling or exceeding \$100,000.

Section 3. For the purpose of incorporating the amendment
made by this act to section 782.04, Florida Statutes, in a
reference thereto, section 775.0823, Florida Statutes, is
reenacted to read:

775.0823 Violent offenses committed against law
enforcement officers, correctional officers, state attorneys,
assistant state attorneys, justices, or judges.—The Legislature
does hereby provide for an increase and certainty of penalty for
any person convicted of a violent offense against any law
enforcement or correctional officer, as defined in s. 943.10(1),
(2), (3), (6), (7), (8), or (9); against any state attorney
elected pursuant to s. 27.01 or assistant state attorney
appointed under s. 27.181; or against any justice or judge of a
court described in Art. V of the State Constitution, which

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offense arises out of or in the scope of the officer's duty as a law enforcement or correctional officer, the state attorney's or assistant state attorney's duty as a prosecutor or investigator, or the justice's or judge's duty as a judicial officer, as follows:

(1) For murder in the first degree as described in s. 782.04(1), if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

(2) For attempted murder in the first degree as described in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(3) For attempted felony murder as described in s. 782.051, a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(4) For murder in the second degree as described in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(5) For attempted murder in the second degree as described in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(6) For murder in the third degree as described in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(7) For attempted murder in the third degree as described in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(8) For manslaughter as described in s. 782.07 during the commission of a crime, a sentence pursuant to s. 775.082, s.

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775.083, or s. 775.084.

(9) For kidnapping as described in s. 787.01, a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(10) For aggravated battery as described in s. 784.045, a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(11) For aggravated assault as described in s. 784.021, a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld.

Section 4. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in a reference thereto, section 782.051, Florida Statutes, is reenacted to read:

782.051 Attempted felony murder.—

(1) Any person who perpetrates or attempts to perpetrate any felony enumerated in s. 782.04(3) and who commits, aids, or abets an intentional act that is not an essential element of the felony and that could, but does not, cause the death of another commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life, or as provided in s. 775.082, s. 775.083, or s. 775.084, which is an offense ranked in level 9 of the Criminal Punishment Code. Victim injury points shall be scored under this subsection.

(2) Any person who perpetrates or attempts to perpetrate any felony other than a felony enumerated in s. 782.04(3) and

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who commits, aids, or abets an intentional act that is not an essential element of the felony and that could, but does not, cause the death of another commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, which is an offense ranked in level 8 of the Criminal Punishment Code. Victim injury points shall be scored under this subsection.

(3) When a person is injured during the perpetration of or the attempt to perpetrate any felony enumerated in s. 782.04(3) by a person other than the person engaged in the perpetration of or the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, which is an offense ranked in level 7 of the Criminal Punishment Code. Victim injury points shall be scored under this subsection.

Section 5. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in a reference thereto, section 782.065, Florida Statutes, is reenacted to read:

782.065 Murder; law enforcement officer.—Notwithstanding ss. 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant shall be sentenced to life imprisonment without eligibility for release upon findings by the trier of fact that, beyond a reasonable doubt:

(1) The defendant committed murder in the first degree in violation of s. 782.04(1) and a death sentence was not imposed; murder in the second or third degree in violation of s.

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782.04(2), (3), or (4); attempted murder in the first or second degree in violation of s. 782.04(1)(a)1. or (2); or attempted felony murder in violation of s. 782.051; and

(2) The victim of any offense described in subsection (1) was a law enforcement officer, part-time law enforcement officer, or auxiliary law enforcement officer, as those terms are defined in s. 943.10, engaged in the lawful performance of a legal duty.

Section 6. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in a reference thereto, subsection (3) of section 947.146, Florida Statutes, is reenacted to read:

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk

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assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates who:

(a) Are serving a sentence that includes a mandatory minimum provision for a capital offense or drug trafficking offense and have not served the number of days equal to the mandatory minimum term less any jail-time credit awarded by the court;

(b) Are serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

(c) Are convicted, or have been previously convicted, of committing or attempting to commit sexual battery, incest, or any of the following lewd or indecent assaults or acts: masturbating in public; exposing the sexual organs in a perverted manner; or nonconsensual handling or fondling of the sexual organs of another person;

(d) Are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, or aggravated battery, and a sex act was attempted or completed during commission of such offense;

(e) Are convicted, or have been previously convicted, of committing or attempting to commit kidnapping, burglary, or

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murder, and the offense was committed with the intent to commit sexual battery or a sex act was attempted or completed during commission of the offense;

(f) Are convicted, or have been previously convicted, of committing or attempting to commit false imprisonment upon a child under the age of 13 and, in the course of committing the offense, the inmate committed aggravated child abuse, sexual battery against the child, or a lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age;

(g) Are sentenced, have previously been sentenced, or have been sentenced at any time under s. 775.084, or have been sentenced at any time in another jurisdiction as a habitual offender;

(h) Are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter, or murder against an officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against a state attorney or assistant state attorney; or against a justice or judge of a court described in Art. V of the State Constitution; or against an officer, judge, or state attorney employed in a comparable position by any other jurisdiction; or

(i) Are convicted, or have been previously convicted, of committing or attempting to commit murder in the first, second, or third degree under s. 782.04(1), (2), (3), or (4), or have ever been convicted of any degree of murder or attempted murder in another jurisdiction;

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(j) Are convicted, or have been previously convicted, of DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or have been sentenced at any time, as a habitual offender for such offense, or have been sentenced at any time in another jurisdiction as a habitual offender for such offense;

(k)1. Are serving a sentence for an offense committed on or after January 1, 1994, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), (5), or (6), and the subtotal of the offender's sentence points is multiplied pursuant to former s. 921.0014 or s. 921.0024;

2. Are serving a sentence for an offense committed on or after October 1, 1995, for a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), (4), (5), (6), (7), (8), or (9), and the subtotal of the offender's sentence points is multiplied pursuant to former s. 921.0014 or s. 921.0024;

(l) Are serving a sentence for an offense committed on or after January 1, 1994, for possession of a firearm, semiautomatic firearm, or machine gun in which additional points are added to the subtotal of the offender's sentence points pursuant to former s. 921.0014 or s. 921.0024; or

(m) Are convicted, or have been previously convicted, of committing or attempting to commit manslaughter, kidnapping, robbery, carjacking, home-invasion robbery, or a burglary under s. 810.02(2).

In making control release eligibility determinations under this subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings,

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468 | including, but not limited to, any presentence or postsentence
469 | investigation or any information contained in arrest reports
470 | relating to circumstances of the offense.

471 | Section 7. This act shall take effect October 1, 2012.