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1 A bill to be entitled
2 An act relating to murder; providing a short title;
3 amending s. 782.04, F.S.; providing that the unlawful
4 killing of a human being when committed by a person
5 engaged in the perpetration of, or in the attempt to
6 perpetrate, the offense of aggravated fleeing or
7 eluding with serious bodily injury or death, is murder
8 of a specified degree, dependent upon certain
9 circumstances; amending s. 921.0022, F.S.; revising
10 provisions of the offense severity ranking chart of
11 the Criminal Punishment Code to conform to changes
12 made by the act; reenacting ss. 775.0823, 782.051,
13 782.065, and 947.146(3), F.S., relating to violent
14 offenses committed against law enforcement officers
15 and others, attempted felony murder, murder of a law
16 enforcement officer, and the Control Release
17 Authority, respectively, to incorporate the amendment
18 made to s. 782.04, F.S., in references thereto;
19 providing an effective date.
20

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

23 Section 1. This act may be cited as the "Deputy John C.
24 Mecklenburg Act."

25 Section 2. Section 782.04, Florida Statutes, is amended to
26 read:

27 782.04 Murder.—

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

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- 29 1. When perpetrated from a premeditated design to effect
30 the death of the person killed or any human being;
- 31 2. When committed by a person engaged in the perpetration
32 of, or in the attempt to perpetrate, any:
- 33 a. Trafficking offense prohibited by s. 893.135(1),
34 b. Arson,
35 c. Sexual battery,
36 d. Robbery,
37 e. Burglary,
38 f. Kidnapping,
39 g. Escape,
40 h. Aggravated child abuse,
41 i. Aggravated abuse of an elderly person or disabled
42 adult,
43 j. Aircraft piracy,
44 k. Unlawful throwing, placing, or discharging of a
45 destructive device or bomb,
46 l. Carjacking,
47 m. Home-invasion robbery,
48 n. Aggravated stalking,
49 o. Murder of another human being,
50 p. Resisting an officer with violence to his or her
51 person,
52 q. Aggravated fleeing or eluding with serious bodily
53 injury or death,
54 ~~r. a.~~ Felony that is an act of terrorism or is in
55 furtherance of an act of terrorism; or
56 3. Which resulted from the unlawful distribution of any

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57 substance controlled under s. 893.03(1), cocaine as described in
58 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
59 compound, derivative, or preparation of opium, or methadone by a
60 person 18 years of age or older, when such drug is proven to be
61 the proximate cause of the death of the user,

62
63 is murder in the first degree and constitutes a capital felony,
64 punishable as provided in s. 775.082.

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

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

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

- 78 (a) Trafficking offense prohibited by s. 893.135(1),
79 (b) Arson,
80 (c) Sexual battery,
81 (d) Robbery,
82 (e) Burglary,
83 (f) Kidnapping,
84 (g) Escape,

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85 (h) Aggravated child abuse,
86 (i) Aggravated abuse of an elderly person or disabled
87 adult,
88 (j) Aircraft piracy,
89 (k) Unlawful throwing, placing, or discharging of a
90 destructive device or bomb,
91 (l) Carjacking,
92 (m) Home-invasion robbery,
93 (n) Aggravated stalking,
94 (o) Murder of another human being,
95

(p) Aggravated fleeing or eluding with serious bodily
96 injury or death,

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

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

101
102 by a person other than the person engaged in the perpetration of
103 or in the attempt to perpetrate such felony, the person
104 perpetrating or attempting to perpetrate such felony commits ~~is~~
105 ~~guilty of~~ murder in the second degree, which constitutes a
106 felony of the first degree, punishable by imprisonment for a
107 term of years not exceeding life or as provided in s. 775.082,
108 s. 775.083, or s. 775.084.

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

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- (a) Trafficking offense prohibited by s. 893.135(1),
- (b) Arson,
- (c) Sexual battery,
- (d) Robbery,
- (e) Burglary,
- (f) Kidnapping,
- (g) Escape,
- (h) Aggravated child abuse,
- (i) Aggravated abuse of an elderly person or disabled adult,
- (j) Aircraft piracy,
- (k) Unlawful throwing, placing, or discharging of a destructive device or bomb,
- (l) Unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,
- (m) Carjacking,
- (n) Home-invasion robbery,
- (o) Aggravated stalking,
- (p) Murder of another human being,
- (q) Aggravated fleeing or eluding with serious bodily injury or death,
- (r)~~(e)~~ Resisting an officer with violence to his or her person, or
- (s)~~(r)~~ Felony that is an act of terrorism or is in

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furtherance of an act of terrorism,

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) As used in this section, the term "terrorism" means an 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 3. 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
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166	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
167	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
168	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
169	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
170	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
171	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.
172	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.
	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding

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\$20,000, but less than \$100,000 by
financial institutions.

777.03(2)(a) 1st Accessory after the fact, capital
felony.

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,
aggravated fleeing or eluding with
serious bodily injury or death,
aircraft piracy, or unlawfully
discharging bomb.

782.051(2) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony not enumerated in
s. 782.04(3).

782.071(1)(b) 1st Committing vehicular homicide and
failing to render aid or give
information.

782.072(2) 1st Committing vessel homicide and failing
to render aid or give information.

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179	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
180	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
181	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
182	800.04(4)	2nd	Lewd or lascivious battery.
183	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
184	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
185	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
186	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

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187	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
188	812.13(2)(b)	1st	Robbery with a weapon.
189	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
190	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
191	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
192	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
193	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
194	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.

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195	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
196	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
197	860.16	1st	Aircraft piracy.
198	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).
199	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
200	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
201	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
202	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.

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203	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
204	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
205	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
206	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
207	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
208	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
209	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
210	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
	893.1351 (3)	1st	Possession of a place used to

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manufacture controlled substance when
minor is present or resides there.

211

895.03(1) 1st Use or invest proceeds derived from
pattern of racketeering activity.

212

895.03(2) 1st Acquire or maintain through
racketeering activity any interest in
or control of any enterprise or real
property.

213

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

214

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

215

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.

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217 (i) LEVEL 9

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	Florida Statute	Felony Degree	Description
219	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
220	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
221	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
222	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
223	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
224	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
225	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding

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\$100,000 by financial institution.

775.0844 1st Aggravated white collar crime.

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,
burglary, aggravated fleeing or
eluding with serious bodily injury or
death, 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.

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

235

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.

236

790.161 1st Attempted capital destructive device
offense.

237

790.166(2) 1st,PBL Possessing, selling, using, or
attempting to use a weapon of mass
destruction.

238

794.011(2) 1st Attempted sexual battery; victim less
than 12 years of age.

239

794.011(2) Life Sexual battery; offender younger than
18 years and commits sexual battery on
a person less than 12 years.

240

794.011(4) 1st Sexual battery; victim 12 years or
older, certain circumstances.

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241	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
242	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
243	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
244	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
245	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
246	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
247	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.
248	827.03 (2)	1st	Aggravated child abuse.

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249	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
250	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
251	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
252	893.135	1st	Attempted capital trafficking offense.
253	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
254	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
255	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
256	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
	893.135	1st	Trafficking in methaqualone, more than

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257	(1) (e) 1.c.		25 kilograms.
258	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
259	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
260	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
261	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
262	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
263	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
264	Section 4. For the purpose of incorporating the amendment		
265	made by this act to section 782.04, Florida Statutes, in		
266	references thereto, section 775.0823, Florida Statutes, is		
267	reenacted to read:		
268	775.0823 Violent offenses committed against law		

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269 enforcement officers, correctional officers, state attorneys,
270 assistant state attorneys, justices, or judges.—The Legislature
271 does hereby provide for an increase and certainty of penalty for
272 any person convicted of a violent offense against any law
273 enforcement or correctional officer, as defined in s. 943.10(1),
274 (2), (3), (6), (7), (8), or (9); against any state attorney
275 elected pursuant to s. 27.01 or assistant state attorney
276 appointed under s. 27.181; or against any justice or judge of a
277 court described in Art. V of the State Constitution, which
278 offense arises out of or in the scope of the officer's duty as a
279 law enforcement or correctional officer, the state attorney's or
280 assistant state attorney's duty as a prosecutor or investigator,
281 or the justice's or judge's duty as a judicial officer, as
282 follows:

283 (1) For murder in the first degree as described in s.
284 782.04(1), if the death sentence is not imposed, a sentence of
285 imprisonment for life without eligibility for release.

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

289 (3) For attempted felony murder as described in s.
290 782.051, a sentence pursuant to s. 775.082, s. 775.083, or s.
291 775.084.

292 (4) For murder in the second degree as described in s.
293 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
294 775.083, or s. 775.084.

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

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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. 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 5. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references 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

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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 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 6. For the purpose of incorporating the amendment made by this act to section 782.04, Florida Statutes, in references thereto, section 782.065, Florida Statutes, is

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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.

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 7. 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

381 been determined by the authority to be eligible for
382 discretionary early release pursuant to this section. In
383 establishing control release dates, it is the intent of the
384 Legislature that the authority prioritize consideration of
385 eligible inmates closest to their tentative release date. The
386 authority shall rely upon commitment data on the offender
387 information system maintained by the department to initially
388 identify inmates who are to be reviewed for control release
389 consideration. The authority may use a method of objective risk
390 assessment in determining if an eligible inmate should be
391 released. Such assessment shall be a part of the department's
392 management information system. However, the authority shall have
393 sole responsibility for determining control release eligibility,
394 establishing a control release date, and effectuating the
395 release of a sufficient number of inmates to maintain the inmate
396 population between 99 percent and 100 percent of total capacity.
397 Inmates who are ineligible for control release are inmates who
398 are parole eligible or inmates who:

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

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

406 (c) Are convicted, or have been previously convicted, of
407 committing or attempting to commit sexual battery, incest, or
408 any of the following lewd or indecent assaults or acts:

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409 masturbating in public; exposing the sexual organs in a
410 perverted manner; or nonconsensual handling or fondling of the
411 sexual organs of another person;

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

416 (e) Are convicted, or have been previously convicted, of
417 committing or attempting to commit kidnapping, burglary, or
418 murder, and the offense was committed with the intent to commit
419 sexual battery or a sex act was attempted or completed during
420 commission of the offense;

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

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

432 (h) Are convicted, or have been previously convicted, of
433 committing or attempting to commit assault, aggravated assault,
434 battery, aggravated battery, kidnapping, manslaughter, or murder
435 against an officer as defined in s. 943.10(1), (2), (3), (6),
436 (7), (8), or (9); against a state attorney or assistant state

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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;

(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

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

Section 8. This act shall take effect October 1, 2012.