

By Senator Fasano

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

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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 adult,
39 j. Aircraft piracy,
40 k. Unlawful throwing, placing, or discharging of a
41 destructive device or bomb,
42 l. Carjacking,
43 m. Home-invasion robbery,
44 n. Aggravated stalking,
45 o. Murder of another human being,
46 p. Resisting an officer with violence to his or her person,
47 q. Aggravated fleeing or eluding,
48 ~~r.~~ Felony that is an act of terrorism or is in
49 furtherance of an act of terrorism; or
50 3. Which resulted from the unlawful distribution of any
51 substance controlled under s. 893.03(1), cocaine as described in
52 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
53 compound, derivative, or preparation of opium, or methadone by a
54 person 18 years of age or older, when such drug is proven to be
55 the proximate cause of the death of the user,
56
57 is murder in the first degree and constitutes a capital felony,
58 punishable as provided in s. 775.082.

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

(2) The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree and 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.

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

- (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) Carjacking,
- (m) Home-invasion robbery,
- (n) Aggravated stalking,

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88 (o) Murder of another human being,
89 (p) Aggravated fleeing or eluding,
90 (q) ~~(p)~~ Resisting an officer with violence to his or her
91 person, or
92 (r) ~~(q)~~ Felony that is an act of terrorism or is in
93 furtherance of an act of terrorism,
94
95 by a person other than the person engaged in the perpetration of
96 or in the attempt to perpetrate such felony, the person
97 perpetrating or attempting to perpetrate such felony is guilty
98 of murder in the second degree, which constitutes a felony of
99 the first degree, punishable by imprisonment for a term of years
100 not exceeding life or as provided in s. 775.082, s. 775.083, or
101 s. 775.084.

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

106 (a) Trafficking offense prohibited by s. 893.135(1),
107 (b) Arson,
108 (c) Sexual battery,
109 (d) Robbery,
110 (e) Burglary,
111 (f) Kidnapping,
112 (g) Escape,
113 (h) Aggravated child abuse,
114 (i) Aggravated abuse of an elderly person or disabled
115 adult,
116 (j) Aircraft piracy,

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(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,

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

(s)~~(r)~~ Felony that is an act of terrorism or is in 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;

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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 (3) (c) 3.a.	2nd	DUI manslaughter.
316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
560.123 (8) (b) 2.	2nd	Failure to report currency or payment

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instruments totaling or exceeding
\$20,000, but less than \$100,000 by
money transmitter.

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
\$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, 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).

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168	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
169	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
170	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
171	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
172	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
173	800.04 (4)	2nd	Lewd or lascivious battery.
174	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
175	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
176	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or

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dangerous weapon.

810.02 (2) (c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

812.13 (2) (b) 1st Robbery with a weapon.

812.135 (2) (c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.

817.568 (6) 2nd Fraudulent use of personal identification information of an individual under the age of 18.

825.102 (2) 1st Aggravated abuse of an elderly person or disabled adult.

825.1025 (2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.

825.103 (2) (a) 1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

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837.02(2) 2nd Perjury in official proceedings
relating to prosecution of a capital
felony.

837.021(2) 2nd Making contradictory statements in
official proceedings relating to
prosecution of a capital felony.

860.121(2)(c) 1st Shooting at or throwing any object in
path of railroad vehicle resulting in
great bodily harm.

860.16 1st Aircraft piracy.

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).

893.13(2)(b) 1st Purchase in excess of 10 grams of any
substance specified in s. 893.03(1)(a)
or (b).

893.13(6)(c) 1st Possess in excess of 10 grams of any
substance specified in s. 893.03(1)(a)
or (b).

893.135(1)(a)2. 1st Trafficking in cannabis, more than
2,000 lbs., less than 10,000 lbs.

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194	893.135	1st	Trafficking in cocaine, more than 200
	(1) (b) 1.b.		grams, less than 400 grams.
195	893.135	1st	Trafficking in illegal drugs, more than
	(1) (c) 1.b.		14 grams, less than 28 grams.
196	893.135	1st	Trafficking in phencyclidine, more than
	(1) (d) 1.b.		200 grams, less than 400 grams.
197	893.135	1st	Trafficking in methaqualone, more than
	(1) (e) 1.b.		5 kilograms, less than 25 kilograms.
198	893.135	1st	Trafficking in amphetamine, more than
	(1) (f) 1.b.		28 grams, less than 200 grams.
199	893.135	1st	Trafficking in flunitrazepam, 14 grams
	(1) (g) 1.b.		or more, less than 28 grams.
200	893.135	1st	Trafficking in gamma-hydroxybutyric
	(1) (h) 1.b.		acid (GHB), 5 kilograms or more, less
			than 10 kilograms.
201	893.135	1st	Trafficking in 1,4-Butanediol, 5
	(1) (j) 1.b.		kilograms or more, less than 10
			kilograms.
202	893.135	1st	Trafficking in Phenethylamines, 200
	(1) (k) 2.b.		grams or more, less than 400 grams.

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893.1351(3) 1st Possession of a place used to
manufacture controlled substance when
minor is present or resides there.

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
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

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	Florida	Felony		
	Statute	Degree	Description	
211	316.193	1st	DUI manslaughter; failing to render aid or give information.	
	(3) (c) 3.b.			
212	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.	
213	409.920	1st	Medicaid provider fraud; \$50,000 or more.	
	(2) (b) 1.c.			
214	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.	
215	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.	
216	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.	
217	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.	
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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, 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

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13; perpetrator also commits
aggravated child abuse, sexual
battery, or lewd or lascivious
battery, molestation, conduct, or
exhibition.

227

790.161 1st Attempted capital destructive device
offense.

228

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

229

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

230

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

231

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

232

794.011(8) (b) 1st Sexual battery; engage in sexual
conduct with minor 12 to 18 years by
person in familial or custodial
authority.

233

794.08(2) 1st Female genital mutilation; victim

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younger than 18 years of age.

800.04 (5) (b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

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

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

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

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.

827.03 (2) 1st Aggravated child abuse.

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

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

859.01 1st Poisoning or introducing bacteria,

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radioactive materials, viruses, or
chemical compounds into food, drink,
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
offense arises out of or in the scope of the officer's duty as a

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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. 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.

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(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 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,

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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. 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

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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 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

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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
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

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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;

(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

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

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