

By the Committee on Criminal Justice; and 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 with serious bodily
7 injury or death, is murder of a specified degree,
8 dependent upon certain circumstances; amending s.
9 921.0022, F.S.; revising provisions of the offense
10 severity ranking chart of the Criminal Punishment Code
11 to conform to changes made by the act; reenacting ss.
12 775.0823, 782.051, 782.065, and 947.146(3), F.S.,
13 relating to violent offenses committed against law
14 enforcement officers and others, attempted felony
15 murder, murder of a law enforcement officer, and the
16 Control Release Authority, respectively, to
17 incorporate the amendments made to s. 782.04, F.S., in
18 references thereto; providing an effective date.

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

21
22 Section 1. This act may be cited as the "Deputy John C.
23 Mecklenburg Act."

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

26 782.04 Murder.—

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

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

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2. When committed by a person engaged in the perpetration of, or 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,
- o. Murder of another human being,
- p. Resisting an officer with violence to his or her person,
- q. Aggravated fleeing or eluding with serious bodily injury or death,

~~r. a.~~ Felony that is an act of terrorism or is in furtherance of an act of terrorism; or

3. Which resulted from the unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or methadone 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,

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

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

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

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

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

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

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

110 (a) Trafficking offense prohibited by s. 893.135(1),
111 (b) Arson,
112 (c) Sexual battery,
113 (d) Robbery,
114 (e) Burglary,
115 (f) Kidnapping,
116 (g) Escape,

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

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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
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.

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499.0051(8) 1st Knowing forgery of prescription labels
or prescription drug labels.

167

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.

168

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.

169

655.50(10)(b)2. 2nd Failure to report financial
transactions totaling or exceeding
\$20,000, but less than \$100,000 by
financial institutions.

170

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

171

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,

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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.

790.161(3) 1st Discharging a destructive device which
results in bodily harm or property
damage.

794.011(5) 2nd Sexual battery, victim 12 years or
over, offender does not use physical
force likely to cause serious injury.

794.08(3) 2nd Female genital mutilation, removal of a
victim younger than 18 years of age
from this state.

800.04(4) 2nd Lewd or lascivious battery.

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180	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
181	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
182	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
183	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
184	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
185	812.13(2)(b)	1st	Robbery with a weapon.
186	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
187	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
188	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.

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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.

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) .

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197	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
198	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
199	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
200	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
201	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
202	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
203	893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
204	893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
205	893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

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893.135 1st Trafficking in 1,4-Butanediol, 5
 (1) (j) 1.b. kilograms or more, less than 10
 kilograms.

893.135 1st Trafficking in Phenethylamines, 200
 (1) (k) 2.b. grams or more, less than 400 grams.

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,

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financial transactions totaling or
exceeding \$20,000 but less than
\$100,000.

(i) LEVEL 9

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

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exceeding \$100,000.

655.50(10)(b)3. 1st Failure to report financial transactions totaling or exceeding \$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

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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.

790.161 1st Attempted capital destructive device
offense.

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

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

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

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

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

238

794.08(2) 1st Female genital mutilation; victim younger than 18 years of age.

239

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

240

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

241

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

242

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

243

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.

244

827.03(2) 1st Aggravated child abuse.

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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,
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.

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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
(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 4. 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

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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 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

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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 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

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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 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

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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
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

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385 consideration. The authority may use a method of objective risk
386 assessment in determining if an eligible inmate should be
387 released. Such assessment shall be a part of the department's
388 management information system. However, the authority shall have
389 sole responsibility for determining control release eligibility,
390 establishing a control release date, and effectuating the
391 release of a sufficient number of inmates to maintain the inmate
392 population between 99 percent and 100 percent of total capacity.
393 Inmates who are ineligible for control release are inmates who
394 are parole eligible or inmates who:

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

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

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

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

412 (e) Are convicted, or have been previously convicted, of
413 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;

(j) Are convicted, or have been previously convicted, of

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443 DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or
444 have been sentenced at any time, as a habitual offender for such
445 offense, or have been sentenced at any time in another
446 jurisdiction as a habitual offender for such offense;

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

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

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

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

466
467 In making control release eligibility determinations under this
468 subsection, the authority may rely on any document leading to or
469 generated during the course of the criminal proceedings,
470 including, but not limited to, any presentence or postsentence
471 investigation or any information contained in arrest reports

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472 relating to circumstances of the offense.

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