

1 A bill to be entitled
 2 An act relating to reclassification of offenses
 3 involving certain firearms or additional firearm
 4 magazines; amending s. 775.087, F.S.; providing for
 5 reclassification of offenses committed while in
 6 possession of a firearm or weapon capable of holding
 7 more than 10 rounds of ammunition or in possession of
 8 a firearm and more than one magazine for the firearm;
 9 providing an effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:

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 13 Section 1. Subsection (1) of section 775.087, Florida
 14 Statutes, is amended to read:

15 775.087 Possession or use of weapon; aggravated battery;
 16 felony reclassification; minimum sentence.—

17 (1) (a) Unless otherwise provided by law, whenever a person
 18 is charged with a felony, except a felony in which the use of a
 19 weapon or firearm is an essential element, and during the
 20 commission of such felony the defendant carries, displays, uses,
 21 threatens to use, or attempts to use any weapon or firearm, or
 22 during the commission of such felony the defendant commits an
 23 aggravated battery, the felony for which the person is charged
 24 shall be reclassified as follows:

25 ~~1.(a)~~ In the case of a felony of the first degree, to a

26 | life felony.

27 | ~~2.(b)~~ In the case of a felony of the second degree, to a
 28 | felony of the first degree.

29 | ~~3.(c)~~ In the case of a felony of the third degree, to a
 30 | felony of the second degree.

31 | (b) In addition to any other classification of an offense
 32 | provided by law, whenever a person commits a misdemeanor or
 33 | felony, and during the commission of such offense the person
 34 | carries, displays, uses, threatens to use, or attempts to use a
 35 | weapon or firearm capable of holding 10 or more rounds of
 36 | ammunition without the necessity of reloading or the person
 37 | possesses a firearm and possesses more than one firearm magazine
 38 | capable of being used in the firearm, the offense for which the
 39 | person is charged shall be reclassified as follows:

40 | 1. In the case of a felony of the first degree, to a life
 41 | felony.

42 | 2. In the case of a felony of the second degree, to a
 43 | felony of the first degree.

44 | 3. In the case of a felony of the third degree, to a
 45 | felony of the second degree.

46 | 4. In the case of a misdemeanor of the first degree, to a
 47 | felony of the third degree.

48 | 5. In the case of a misdemeanor of the second degree, to a
 49 | misdemeanor of the first degree.

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51 For purposes of sentencing under chapter 921 and determining
52 incentive gain-time eligibility under chapter 944, a felony
53 offense which is reclassified under this subsection ~~section~~ is
54 ranked one level above the ranking under s. 921.0022 or s.
55 921.0023 of the felony offense committed.

56 Section 2. This act shall take effect October 1, 2017.