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576-01960-17

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to offenses by aliens unlawfully present in the United States; creating s. 775.0864, F.S.; requiring specified offenses to be reclassified if committed by such aliens; specifying the reclassification of these offenses; specifying the enhancement of the level of the ranking for purposes of sentencing and gain-time eligibility; amending s. 921.0022, F.S.; revising references to offense reclassification provisions to conform to changes made by the act; providing an effective date.

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

Section 1. Section 775.0864, Florida Statutes, is created to read:

775.0864 Offenses against persons by unlawfully present aliens; reclassification.—

(1) A violation of any of the following provisions must be reclassified to the next higher degree, as provided in subsection (2), if the offense is committed against a person in this state by an alien, as defined in 8 U.S.C. s. 1101(a), who is unlawfully present in the United States:

(a) Section 794.011, relating to sexual battery.

(b) Section 784.021(1)(a), relating to aggravated assault with a deadly weapon.

(c) Section 782.04, relating to murder.



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28 (d) Section 790.1615(2), relating to unlawful throwing,
29 placing, or discharging of a destructive device or bomb.

30 (e) Section 810.02(2)(b), relating to armed burglary.

31 (2) In the case of an offense identified in subsection (1):

32 (a) A felony of the third degree is reclassified to a
33 felony of the second degree.

34 (b) A felony of the second degree is reclassified to a
35 felony of the first degree.

36 (c) A felony of the first degree is reclassified to a life
37 felony.

38
39 For purposes of sentencing under chapter 921 and determining
40 incentive gain-time eligibility under chapter 944, a felony
41 offense that is reclassified under this subsection is ranked one
42 level above the ranking specified under s. 921.0022 or s.
43 921.0023 of the felony offense committed.

44 Section 2. Subsection (2) of section 921.0022, Florida
45 Statutes, is amended to read:

46 921.0022 Criminal Punishment Code; offense severity ranking
47 chart.—

48 (2) The offense severity ranking chart has 10 offense
49 levels, ranked from least severe, which are level 1 offenses, to
50 most severe, which are level 10 offenses, and each felony
51 offense is assigned to a level according to the severity of the
52 offense. For purposes of determining which felony offenses are
53 specifically listed in the offense severity ranking chart and
54 which severity level has been assigned to each of these
55 offenses, the numerical statutory references in the left column
56 of the chart and the felony degree designations in the middle



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57 column of the chart are controlling; the language in the right
58 column of the chart is provided solely for descriptive purposes.
59 Reclassification of the degree of the felony through the
60 application of s. 775.0845, s. 775.085, s. 775.0861, s.
61 775.0862, s. 775.0863, s. 775.0864, s. 775.087, s. 775.0875, s.
62 794.023, or any other law that provides an enhanced penalty for
63 a felony offense, to any offense listed in the offense severity
64 ranking chart in this section shall not cause the offense to
65 become unlisted and is not subject to the provisions of s.
66 921.0023.

67 Section 3. This act shall take effect July 1, 2017.