

By Senator Hutson

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1 A bill to be entitled
 2 An act relating to offenses by aliens unlawfully
 3 present in the United States; creating s. 775.0864,
 4 F.S.; requiring specified offenses to be reclassified
 5 if committed by such aliens; specifying the
 6 reclassification of these offenses; specifying the
 7 enhancement of the level of the ranking for purposes
 8 of sentencing and gain-time eligibility; amending s.
 9 921.0022, F.S.; revising references to offense
 10 reclassification provisions to conform to changes made
 11 by the act; providing an effective date.

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

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

17 775.0864 Offenses against persons by unlawfully present
 18 aliens; reclassification.—

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

24 (a) Section 784.011, relating to assault.

25 (b) Section 784.021, relating to aggravated assault.

26 (c) Section 784.03, relating to battery.

27 (d) Section 784.041, relating to felony battery.

28 (e) A statute defining any offense listed in s.

29 775.084(1)(b)1.

30 (f) A statute defining any offense that involves the use or
 31 threat of physical force or violence against another person.

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

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33 (a) A misdemeanor of the second degree is reclassified to a
34 misdemeanor of the first degree.

35 (b) A misdemeanor of the first degree is reclassified to a
36 felony of the third degree. For purposes of sentencing under
37 chapter 921, such offense is ranked in level 2 of the offense
38 severity ranking chart.

39 (c) A felony of the third degree is reclassified to a
40 felony of the second degree.

41 (d) A felony of the second degree is reclassified to a
42 felony of the first degree.

43 (e) A felony of the first degree is reclassified to a life
44 felony.

45
46 For purposes of sentencing under chapter 921 and determining
47 incentive gain-time eligibility under chapter 944, a felony
48 offense that is reclassified under this subsection is ranked one
49 level above the ranking specified under s. 921.0022 or s.
50 921.0023 of the felony offense committed.

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

53 921.0022 Criminal Punishment Code; offense severity ranking
54 chart.-

55 (2) The offense severity ranking chart has 10 offense
56 levels, ranked from least severe, which are level 1 offenses, to
57 most severe, which are level 10 offenses, and each felony
58 offense is assigned to a level according to the severity of the
59 offense. For purposes of determining which felony offenses are
60 specifically listed in the offense severity ranking chart and
61 which severity level has been assigned to each of these

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62 offenses, the numerical statutory references in the left column
63 of the chart and the felony degree designations in the middle
64 column of the chart are controlling; the language in the right
65 column of the chart is provided solely for descriptive purposes.
66 Reclassification of the degree of the felony through the
67 application of s. 775.0845, s. 775.085, s. 775.0861, s.
68 775.0862, s. 775.0863, s. 775.0864, s. 775.087, s. 775.0875, s.
69 794.023, or any other law that provides an enhanced penalty for
70 a felony offense, to any offense listed in the offense severity
71 ranking chart in this section shall not cause the offense to
72 become unlisted and is not subject to the provisions of s.
73 921.0023.

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