

By Senator Crist

12-43-05

1                                   A bill to be entitled  
2           An act relating to contraband within a state  
3           correctional facility; amending s. 944.47,  
4           F.S.; providing that it is a third-degree  
5           felony to give a cellular telephone to an  
6           inmate of a state correctional facility, unless  
7           authorized by the officer in charge of the  
8           facility; providing that it is a third-degree  
9           felony for an inmate or person on the grounds  
10          of a state correctional facility to possess a  
11          cellular telephone, unless authorized by the  
12          officer in charge of the facility; amending s.  
13          921.0022, F.S., relating to the offense  
14          severity ranking chart of the Criminal  
15          Punishment Code; conforming cross-references to  
16          changes made by the act; providing an effective  
17          date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Section 944.47, Florida Statutes, is  
22 amended to read:  
23           944.47 Introduction, removal, or possession of certain  
24 articles unlawful; penalty.--  
25           (1)(a) Except through regular channels as authorized  
26 by the officer in charge of the correctional institution, it  
27 is unlawful to introduce into or upon the grounds of any state  
28 correctional institution, or to take or attempt to take or  
29 send or attempt to send therefrom, any of the following  
30 articles which are hereby declared to be contraband for the  
31 purposes of this section, to wit:

1           1. Any written or recorded communication or any  
2 currency or coin given or transmitted, or intended to be given  
3 or transmitted, to any inmate of any state correctional  
4 institution.

5           2. Any article of food or clothing given or  
6 transmitted, or intended to be given or transmitted, to any  
7 inmate of any state correctional institution.

8           3. Any cellular telephone given or transmitted, or  
9 intended to be given or transmitted, to any inmate of any  
10 state correctional institution. As used in this subparagraph,  
11 the term "cellular telephone" has the same meaning as in s.  
12 817.4821(1).

13           ~~4.3-~~ Any intoxicating beverage or beverage which  
14 causes or may cause an intoxicating effect.

15           ~~5.4-~~ Any controlled substance as defined in s.  
16 893.02(4) or any prescription or nonprescription drug having a  
17 hypnotic, stimulating, or depressing effect.

18           ~~6.5-~~ Any firearm or weapon of any kind or any  
19 explosive substance.

20           (b) It is unlawful to transmit or attempt to transmit  
21 to, or cause or attempt to cause to be transmitted to or  
22 received by, any inmate of any state correctional institution  
23 any article or thing declared by this subsection to be  
24 contraband, at any place which is outside the grounds of such  
25 institution, except through regular channels as authorized by  
26 the officer in charge of such correctional institution.

27           (c) It is unlawful for any inmate of any state  
28 correctional institution or any person while upon the grounds  
29 of any state correctional institution to be in actual or  
30 constructive possession of any article or thing declared by  
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1 | this section to be contraband, except as authorized by the  
2 | officer in charge of such correctional institution.

3 |         (2) A person who violates any provision of this  
4 | section as it pertains to an article of contraband described  
5 | in subparagraph (1)(a)1., ~~or~~ subparagraph (1)(a)2., or  
6 | subparagraph (1)(a)3. commits is guilty of a felony of the  
7 | third degree, punishable as provided in s. 775.082, s.  
8 | 775.083, or s. 775.084. In all other cases, a violation of a  
9 | provision of this section constitutes a felony of the second  
10 | degree, punishable as provided in s. 775.082, s. 775.083, or  
11 | s. 775.084.

12 |         Section 2. Paragraphs (c) and (f) of subsection (3) of  
13 | section 921.0022, Florida Statutes, are amended to read:

14 |             921.0022 Criminal Punishment Code; offense severity  
15 | ranking chart.--

16 |             (3) OFFENSE SEVERITY RANKING CHART

18   Florida	Felony	
19   Statute	Degree	Description
		(c) LEVEL 3
23   119.10(2)(b)	3rd	Unlawful use of confidential 24   information from police reports.
25   316.066(3)		
26   (d)-(f)	3rd	Unlawfully obtaining or using 27   confidential crash reports.
28   316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

1	316.1935(2)	3rd	Fleeing or attempting to elude
2			law enforcement officer in patrol
3			vehicle with siren and lights
4			activated.
5	319.30(4)	3rd	Possession by junkyard of motor
6			vehicle with identification
7			number plate removed.
8	319.33(1)(a)	3rd	Alter or forge any certificate of
9			title to a motor vehicle or
10			mobile home.
11	319.33(1)(c)	3rd	Procure or pass title on stolen
12			vehicle.
13	319.33(4)	3rd	With intent to defraud, possess,
14			sell, etc., a blank, forged, or
15			unlawfully obtained title or
16			registration.
17	327.35(2)(b)	3rd	Felony BUI.
18	328.05(2)	3rd	Possess, sell, or counterfeit
19			fictitious, stolen, or fraudulent
20			titles or bills of sale of
21			vessels.
22	328.07(4)	3rd	Manufacture, exchange, or possess
23			vessel with counterfeit or wrong
24			ID number.
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1	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
2			destroying, causing to be
3			destroyed, transferring, selling,
4			offering to sell, molesting, or
5			harassing marine turtles, marine
6			turtle eggs, or marine turtle
7			nests in violation of the Marine
8			Turtle Protection Act.
9	370.12(1)(e)6.	3rd	Soliciting to commit or
10			conspiring to commit a violation
11			of the Marine Turtle Protection
12			Act.
13	376.302(5)	3rd	Fraud related to reimbursement
14			for cleanup expenses under the
15			Inland Protection Trust Fund.
16	400.903(3)	3rd	Operating a clinic without a
17			license or filing false license
18			application or other required
19			information.
20	440.105(3)(b)	3rd	Receipt of fee or consideration
21			without approval by judge of
22			compensation claims.
23	440.1051(3)	3rd	False report of workers'
24			compensation fraud or retaliation
25			for making such a report.
26	501.001(2)(b)	2nd	Tampers with a consumer product
27			or the container using materially
28			false/misleading information.
29	624.401(4)(a)	3rd	Transacting insurance without a
30			certificate of authority.
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1	624.401(4)(b)1.	3rd	Transacting insurance without a
2			certificate of authority; premium
3			collected less than \$20,000.
4	626.902(1)		
5	(a) & (b)	3rd	Representing an unauthorized
6			insurer.
7	697.08	3rd	Equity skimming.
8	790.15(3)	3rd	Person directs another to
9			discharge firearm from a vehicle.
10	796.05(1)	3rd	Live on earnings of a prostitute.
11	806.10(1)	3rd	Maliciously injure, destroy, or
12			interfere with vehicles or
13			equipment used in firefighting.
14	806.10(2)	3rd	Interferes with or assaults
15			firefighter in performance of
16			duty.
17	810.09(2)(c)	3rd	Trespass on property other than
18			structure or conveyance armed
19			with firearm or dangerous weapon.
20	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
21			less than \$10,000.
22	812.0145(2)(c)	3rd	Theft from person 65 years of age
23			or older; \$300 or more but less
24			than \$10,000.
25	815.04(4)(b)	2nd	Computer offense devised to
26			defraud or obtain property.
27	817.034(4)(a)3.	3rd	Engages in scheme to defraud
28			(Florida Communications Fraud
29			Act), property valued at less
30			than \$20,000.
31	817.233	3rd	Burning to defraud insurer.

1	817.234(8)		
2	(b)-(c)	3rd	Unlawful solicitation of persons
3			involved in motor vehicle
4			accidents.
5	817.234(11)(a)	3rd	Insurance fraud; property value
6			less than \$20,000.
7	817.236	3rd	Filing a false motor vehicle
8			insurance application.
9	817.2361	3rd	Creating, marketing, or
10			presenting a false or fraudulent
11			motor vehicle insurance card.
12	817.413(2)	3rd	Sale of used goods as new.
13	817.505(4)	3rd	Patient brokering.
14	828.12(2)	3rd	Tortures any animal with intent
15			to inflict intense pain, serious
16			physical injury, or death.
17	831.28(2)(a)	3rd	Counterfeiting a payment
18			instrument with intent to defraud
19			or possessing a counterfeit
20			payment instrument.
21	831.29	2nd	Possession of instruments for
22			counterfeiting drivers' licenses
23			or identification cards.
24	838.021(3)(b)	3rd	Threatens unlawful harm to public
25			servant.
26	843.19	3rd	Injure, disable, or kill police
27			dog or horse.
28	860.15(3)	3rd	Overcharging for repairs and
29			parts.
30	870.01(2)	3rd	Riot; inciting or encouraging.
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1	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c)1., (2)(c)2.,
4			(2)(c)3., (2)(c)5., (2)(c)6.,
5			(2)(c)7., (2)(c)8., (2)(c)9.,
6			(3), or (4) drugs).
7	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs within 1,000
12			feet of university.
13	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
14			893.03(1)(c), (2)(c)1., (2)(c)2.,
15			(2)(c)3., (2)(c)5., (2)(c)6.,
16			(2)(c)7., (2)(c)8., (2)(c)9.,
17			(3), or (4) drugs within 1,000
18			feet of public housing facility.
19	893.13(6)(a)	3rd	Possession of any controlled
20			substance other than felony
21			possession of cannabis.
22	893.13(7)(a)8.	3rd	Withhold information from
23			practitioner regarding previous
24			receipt of or prescription for a
25			controlled substance.
26	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
27			controlled substance by fraud,
28			forgery, misrepresentation, etc.
29	893.13(7)(a)10.	3rd	Affix false or forged label to
30			package of controlled substance.
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1	893.13(7)(a)11.	3rd	Furnish false or fraudulent
2			material information on any
3			document or record required by
4			chapter 893.
5	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
6			person, or owner of an animal in
7			obtaining a controlled substance
8			through deceptive, untrue, or
9			fraudulent representations in or
10			related to the practitioner's
11			practice.
12	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
13			practitioner's practice to assist
14			a patient, other person, or owner
15			of an animal in obtaining a
16			controlled substance.
17	893.13(8)(a)3.	3rd	Knowingly write a prescription
18			for a controlled substance for a
19			fictitious person.
20	893.13(8)(a)4.	3rd	Write a prescription for a
21			controlled substance for a
22			patient, other person, or an
23			animal if the sole purpose of
24			writing the prescription is a
25			monetary benefit for the
26			practitioner.
27	918.13(1)(a)	3rd	Alter, destroy, or conceal
28			investigation evidence.
29	944.47		
30	(1)(a)1.- <del>3.2</del>	3rd	Introduce contraband to
31			correctional facility.

1	944.47(1)(c)	2nd	Possess contraband while upon the
2			grounds of a correctional
3			institution.
4	985.3141	3rd	Escapes from a juvenile facility
5			(secure detention or residential
6			commitment facility).
7			(f) LEVEL 6
8	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
9			conviction.
10	499.0051(3)	2nd	Forgery of pedigree papers.
11	499.0051(4)	2nd	Purchase or receipt of legend
12			drug from unauthorized person.
13	499.0051(5)	2nd	Sale of legend drug to
14			unauthorized person.
15	775.0875(1)	3rd	Taking firearm from law
16			enforcement officer.
17	775.21(10)	3rd	Sexual predators; failure to
18			register; failure to renew
19			driver's license or
20			identification card.
21	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
22			without intent to kill.
23	784.021(1)(b)	3rd	Aggravated assault; intent to
24			commit felony.
25	784.041	3rd	Felony battery.
26	784.048(3)	3rd	Aggravated stalking; credible
27			threat.
28	784.048(5)	3rd	Aggravated stalking of person
29			under 16.
30	784.07(2)(c)	2nd	Aggravated assault on law
31			enforcement officer.

1	784.074(1)(b)	2nd	Aggravated assault on sexually
2			violent predators facility staff.
3	784.08(2)(b)	2nd	Aggravated assault on a person 65
4			years of age or older.
5	784.081(2)	2nd	Aggravated assault on specified
6			official or employee.
7	784.082(2)	2nd	Aggravated assault by detained
8			person on visitor or other
9			detainee.
10	784.083(2)	2nd	Aggravated assault on code
11			inspector.
12	787.02(2)	3rd	False imprisonment; restraining
13			with purpose other than those in
14			s. 787.01.
15	790.115(2)(d)	2nd	Discharging firearm or weapon on
16			school property.
17	790.161(2)	2nd	Make, possess, or throw
18			destructive device with intent to
19			do bodily harm or damage
20			property.
21	790.164(1)	2nd	False report of deadly explosive,
22			weapon of mass destruction, or
23			act of arson or violence to state
24			property.
25	790.19	2nd	Shooting or throwing deadly
26			missiles into dwellings, vessels,
27			or vehicles.
28	794.011(8)(a)	3rd	Solicitation of minor to
29			participate in sexual activity by
30			custodial adult.
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1	794.05(1)	2nd	Unlawful sexual activity with
2			specified minor.
3	800.04(5)(d)	3rd	Lewd or lascivious molestation;
4			victim 12 years of age or older
5			but less than 16 years; offender
6			less than 18 years.
7	800.04(6)(b)	2nd	Lewd or lascivious conduct;
8			offender 18 years of age or
9			older.
10	806.031(2)	2nd	Arson resulting in great bodily
11			harm to firefighter or any other
12			person.
13	810.02(3)(c)	2nd	Burglary of occupied structure;
14			unarmed; no assault or battery.
15	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
16			but less than \$100,000, grand
17			theft in 2nd degree.
18	812.015(9)	2nd	Retail theft; property stolen
19			\$300 or more; second or
20			subsequent conviction.
21	812.13(2)(c)	2nd	Robbery, no firearm or other
22			weapon (strong-arm robbery).
23	817.034(4)(a)1.	1st	Communications fraud, value
24			greater than \$50,000.
25	817.4821(5)	2nd	Possess cloning paraphernalia
26			with intent to create cloned
27			cellular telephones.
28	825.102(1)	3rd	Abuse of an elderly person or
29			disabled adult.
30	825.102(3)(c)	3rd	Neglect of an elderly person or
31			disabled adult.

1	825.1025(3)	3rd	Lewd or lascivious molestation of
2			an elderly person or disabled
3			adult.
4	825.103(2)(c)	3rd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at less than \$20,000.
7	827.03(1)	3rd	Abuse of a child.
8	827.03(3)(c)	3rd	Neglect of a child.
9	827.071(2)&(3)	2nd	Use or induce a child in a sexual
10			performance, or promote or direct
11			such performance.
12	836.05	2nd	Threats; extortion.
13	836.10	2nd	Written threats to kill or do
14			bodily injury.
15	843.12	3rd	Aids or assists person to escape.
16	847.0135(3)	3rd	Solicitation of a child, via a
17			computer service, to commit an
18			unlawful sex act.
19	914.23	2nd	Retaliation against a witness,
20			victim, or informant, with bodily
21			injury.
22	943.0435(9)	3rd	Sex offenders; failure to comply
23			with reporting requirements.
24	944.35(3)(a)2.	3rd	Committing malicious battery upon
25			or inflicting cruel or inhuman
26			treatment on an inmate or
27			offender on community
28			supervision, resulting in great
29			bodily harm.
30	944.40	2nd	Escapes.
31			

1 944.46 3rd Harboring, concealing, aiding  
2 escaped prisoners.  
3 944.47(1)(a)~~6.5~~ 2nd Introduction of contraband  
4 (firearm, weapon, or explosive)  
5 into correctional facility.  
6 951.22(1) 3rd Intoxicating drug, firearm, or  
7 weapon introduced into county  
8 facility.

9 Section 3. This act shall take effect July 1, 2005.

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12 SENATE SUMMARY

13 Makes it third-degree felony for an inmate or person on  
14 the grounds of a state correctional institution to  
15 possess a cellular telephone, or for a person to provide  
16 such an inmate with a cellular telephone, unless  
17 authorized by the officer in charge of the institution.  
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