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LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/07/2012 12:56 PM

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Senator Detert moved the following:

**Senate Amendment (with title amendment)**

Between lines 376 and 377

insert:

Section 6. Subsections (3) and (14) of section 960.03, Florida Statutes, are amended to read:

960.03 Definitions; ss. 960.01-960.28.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(a) A felony or misdemeanor offense committed by ~~either~~ an adult or a juvenile which results in physical injury or death or a felony or misdemeanor offense of child abuse committed by an adult or a juvenile against a person younger than 18 years of



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14 age which resulted in a mental injury, as defined in s. 39.01,  
15 but who was not physically injured by the criminal act. The  
16 mental injury to the minor must be verified by a psychologist  
17 licensed under chapter 490, by a physician licensed in this  
18 state under chapter 458 or chapter 459 and who has completed an  
19 accredited residency in psychiatry, or by a physician who has  
20 obtained certification as an expert witness pursuant to s.  
21 458.3175.

22  
23 The term also includes a ~~any such~~ criminal act that ~~which~~ is  
24 committed within this state but that ~~which~~ falls exclusively  
25 within federal jurisdiction.

26 (b) A violation of s. 316.193, s. 316.027(1), s. 327.35(1),  
27 s. 782.071(1)(b), or s. 860.13(1)(a) which results in physical  
28 injury or death; however, an ~~no other~~ act involving the  
29 operation of a motor vehicle, boat, or aircraft which results in  
30 injury or death does not ~~shall~~ constitute a crime for the  
31 purpose of this chapter unless the injury or death was  
32 intentionally inflicted through the use of the ~~such~~ vehicle,  
33 boat, or aircraft ~~or unless such vehicle, boat, or aircraft is~~  
34 ~~an implement of a crime to which this act applies.~~

35 (c) A criminal act committed outside ~~of~~ this state against  
36 a resident of this state which would have been compensable if it  
37 had occurred in this state and which occurred in a jurisdiction  
38 that does not have an eligible crime victim compensation program  
39 as the term is defined in the federal Victims of Crime Act of  
40 1984.

41 (d) A ~~Any~~ violation of s. 827.071, s. 847.0135, s.  
42 847.0137, or s. 847.0138, related to online sexual exploitation



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43 and child pornography.

44 (14) "Victim" means:

45 (a) A person who suffers personal physical injury or death  
46 as a direct result of a crime;

47 (b) A person younger than 18 years of age who was present  
48 at the scene of a crime, saw or heard the crime, and suffered a  
49 psychiatric or psychological injury because of the crime, but  
50 who was not physically injured; ~~or~~

51 (c) A person younger than 18 years of age who was the  
52 victim of a felony or misdemeanor offense of child abuse that  
53 resulted in a mental injury as defined by s. 39.01 but who was  
54 not physically injured; or

55 (d) ~~(e)~~ A person against whom a forcible felony was  
56 committed and who suffers a psychiatric or psychological injury  
57 as a direct result of that crime but who does not otherwise  
58 sustain a personal physical injury or death.

59  
60  
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63  
64 Delete line 34

65 and insert:

66  
67 amending s. 960.03, F.S.; redefining the terms "crime"  
68 and "victim;" amending s. 960.198, F.S.; providing for  
69 denial of