

By Senator Fasano

11-00093-12

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1 A bill to be entitled
2 An act relating to public corruption; creating s.
3 775.0876, F.S.; providing for the reclassification of
4 criminal offenses committed under color of law;
5 providing an effective date.

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

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9 Section 1. Section 775.0876, Florida Statutes, is created
10 to read:

11 775.0876 Offenses committed under color of law;
12 reclassification.—The penalty for any felony or misdemeanor
13 offense shall be reclassified if the commission of such offense
14 was furthered or facilitated by a person acting under color of
15 law. As used in this section, the term "under color of law"
16 means conduct based on public authority or position or the
17 assertion of such authority or position.

18 (1) The reclassification of the felony or misdemeanor is as
19 follows:

20 (a) A misdemeanor of the second degree is reclassified as a
21 misdemeanor of the first degree.

22 (b) A misdemeanor of the first degree is reclassified as a
23 felony of the third degree.

24 (c) A felony of the third degree is reclassified as a
25 felony of the second degree.

26 (d) A felony of the second degree is reclassified as a
27 felony of the first degree.

28 (e) A felony of the first degree is reclassified as a life
29 felony.

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30 (2) For purposes of sentencing under chapter 921, a felony
31 offense that is reclassified under this section shall be ranked
32 one level above its ranking under s. 921.0022 or s. 921.0023.

33 (3) If conduct committed under color of law is one of the
34 necessary elements of the underlying misdemeanor or felony
35 offense, the reclassifications provided in this section do not
36 apply.

37 Section 2. This act shall take effect July 1, 2012.