

By the Committee on Criminal Justice; and Senator Brandes

591-03429-18

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1 A bill to be entitled
2 An act relating to contraband in county detention
3 facilities; amending s. 951.22, F.S.; prohibiting
4 introduction into or possession on the grounds of any
5 county detention facility of any cellular telephone or
6 other portable communication device under certain
7 circumstances; defining the term "portable
8 communication device"; providing criminal penalties;
9 amending s. 921.0022, F.S.; conforming provisions to
10 changes made by the act; providing an effective date.

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

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14 Section 1. Section 951.22, Florida Statutes, is amended to
15 read:

16 951.22 County detention facilities; contraband articles.—

17 (1) It is unlawful, except through regular channels as duly
18 authorized by the sheriff or officer in charge, to introduce
19 into or possess upon the grounds of any county detention
20 facility as defined in s. 951.23 or to give to or receive from
21 any inmate of any such facility wherever said inmate is located
22 at the time or to take or to attempt to take or send therefrom
23 any of the following articles which are hereby declared to be
24 contraband:

25 (a) ~~for the purposes of this act, to wit:~~ Any written or
26 recorded communication.†

27 (b) Any currency or coin.†

28 (c) Any article of food or clothing.†

29 (d) Any tobacco products as defined in s. 210.25(12).†

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30 (e) Any cigarette as defined in s. 210.01(1).~~†~~

31 (f) Any cigar.~~†~~

32 (g) Any intoxicating beverage or beverage which causes or
33 may cause an intoxicating effect.~~†~~

34 (h) Any narcotic, hypnotic, or excitative drug or drug of
35 any kind or nature, including nasal inhalators, sleeping pills,
36 barbiturates, and controlled substances as defined in s.
37 893.02(4).~~†~~

38 (i) Any firearm or any instrumentality customarily used or
39 which is intended to be used as a dangerous weapon.~~†~~~~and~~

40 (j) Any instrumentality of any nature that may be or is
41 intended to be used as an aid in effecting or attempting to
42 effect an escape from a county facility.

43 (k) Any cellular telephone or other portable communication
44 device intentionally and unlawfully introduced inside the secure
45 perimeter of any county detention facility without prior
46 authorization or consent from the sheriff or officer in charge
47 of such detention facility. As used in this paragraph, the term
48 "portable communication device" means any device carried, worn,
49 or stored which is designed or intended to receive or transmit
50 verbal or written messages, access or store data, or connect
51 electronically to the Internet or any other electronic device
52 and which allows communications in any form. Such devices
53 include, but are not limited to, portable two-way pagers,
54 handheld radios, cellular telephones, Blackberry-type devices,
55 personal digital assistants or PDAs, laptop computers, or any
56 components of these devices which are intended to be used to
57 assemble such devices. The term also includes any new technology
58 that is developed for similar purposes. Excluded from this

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59 definition is any device having communication capabilities which
 60 has been approved or issued by the sheriff or officer in charge
 61 for investigative or institutional security purposes or for
 62 conducting other official business.

63 (2) A person who ~~Whoever~~ violates paragraph (1)(a), (b),
 64 (c), (d), (e), (f), or (g) commits a misdemeanor of the first
 65 degree, punishable as provided in s. 775.082 or s. 775.083. A
 66 person who violates paragraph (1)(h), (i), (j), or (k) commits
 67 ~~subsection (1) shall be guilty of a felony of the third degree,~~
 68 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

69 Section 2. Paragraph (f) of subsection (3) of section
 70 921.0022, Florida Statutes, is amended to read:

71 921.0022 Criminal Punishment Code; offense severity ranking
 72 chart.—

73 (3) OFFENSE SEVERITY RANKING CHART

74 (f) LEVEL 6

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Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure,

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79			without a license.
80	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
81	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
82	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
83	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
84	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
85	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
86	784.041	3rd	Felony battery; domestic battery by strangulation.
	784.048 (3)	3rd	Aggravated stalking; credible threat.

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784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081 (2)	2nd	Aggravated assault on specified official or employee.
784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083 (2)	2nd	Aggravated assault on code inspector.
787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115 (2) (d)	2nd	Discharging firearm or weapon

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on school property.

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790.161(2)

2nd

Make, possess, or throw destructive device with intent to do bodily harm or damage property.

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790.164(1)

2nd

False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.

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790.19

2nd

Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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794.011(8)(a)

3rd

Solicitation of minor to participate in sexual activity by custodial adult.

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794.05(1)

2nd

Unlawful sexual activity with specified minor.

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800.04(5)(d)

3rd

Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.

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800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
812.015 (9) (b)	2nd	Retail theft; property stolen

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\$3,000 or more; coordination of others.

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812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

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817.4821(5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

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817.505(4)(b) 2nd Patient brokering; 10 or more patients.

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825.102(1) 3rd Abuse of an elderly person or disabled adult.

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825.102(3)(c) 3rd Neglect of an elderly person or disabled adult.

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825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

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825.103(3)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

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827.03(2)(c) 3rd Abuse of a child.

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119	827.03(2)(d)	3rd	Neglect of a child.
120	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
121	836.05	2nd	Threats; extortion.
122	836.10	2nd	Written threats to kill or do bodily injury.
123	843.12	3rd	Aids or assists person to escape.
124	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
125	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
126	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
	914.23	2nd	Retaliation against a witness, victim, or informant, with

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bodily injury.

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944.35 (3) (a) 2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

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944.40 2nd Escapes.

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944.46 3rd Harboring, concealing, aiding escaped prisoners.

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944.47 (1) (a) 5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

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951.22 (1) 3rd Introduction of contraband into county detention facility
~~Intoxicating drug, firearm, or weapon introduced into county facility.~~

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133 Section 3. This act shall take effect October 1, 2018.