

By the Committee on Criminal Justice; and Senator Ingoglia

591-02642-24

20241036c1

1 A bill to be entitled
2 An act relating to reclassification of criminal
3 penalties; creating s. 775.0848, F.S.; defining the
4 term "removal"; requiring reclassification of the
5 penalty for the commission of a new felony committed
6 by a person who unlawfully reenters the United States,
7 and while remaining unlawfully present, after having
8 been deported or removed from the United States under
9 federal immigration proceedings for committing a
10 felony, or who has departed the United States while
11 such an order of deportation or removal was
12 outstanding; creating s. 908.12, F.S.; defining the
13 term "transnational crime organization"; authorizing
14 reclassification of the penalty for any misdemeanor or
15 felony offense if the commission of such offense was
16 for specified purposes; providing an effective date.

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

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20 Section 1. Section 775.0848, Florida Statutes, is created
21 to read:

22 775.0848 Commission of a felony after unlawful reentry into
23 the United States; reclassification.—

24 (1) As used in this section, the term "removal" includes
25 any agreement in which a person stipulates to removal during a
26 criminal proceeding under federal or state law.

27 (2) A person who has been deported or removed from the
28 United States under federal immigration proceedings for
29 committing a felony, or has departed the United States while

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30 such an order of deportation or removal is outstanding, shall
31 have the penalty for committing a new felony after unlawfully
32 reentering the United States, and while remaining unlawfully
33 present, reclassified in the following manner:

34 (a) A felony of the third degree is reclassified to a
35 felony of the second degree.

36 (b) A felony of the second degree is reclassified to a
37 felony of the first degree.

38 (c) A felony of the first degree is reclassified to a life
39 felony.

40 Section 2. Section 908.12, Florida Statutes, is created to
41 read:

42 908.12 Transnational crime organizations;
43 reclassification.-

44 (1) As used in this section, the term "transnational crime
45 organization" means an organization that routinely facilitates
46 the international trafficking of drugs, humans, or weapons or
47 the international smuggling of humans.

48 (2) The penalty for any misdemeanor or felony may be
49 reclassified if the commission of such misdemeanor or felony was
50 for the purpose of benefiting, promoting, or furthering the
51 interests of a transnational crime organization. The
52 reclassification is as follows:

53 (a) A misdemeanor of the second degree is reclassified to a
54 misdemeanor of the first degree.

55 (b) A misdemeanor of the first degree is reclassified to a
56 felony of the third degree.

57 (c) A felony of the third degree is reclassified to a
58 felony of the second degree.

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59 (d) A felony of the second degree is reclassified to a
60 felony of the first degree.

61 (e) A felony of the first degree is reclassified to a life
62 felony.

63 Section 3. This act shall take effect October 1, 2024.