CS/HB 1449 2024

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 felony, or who has departed the United States while 10 11 such an order of deportation or removal was outstanding; creating s. 908.12, F.S.; defining the 12 13 term "transnational crime organization"; authorizing reclassification of the penalty for any felony or 14 misdemeanor offenses if the commission of such offense 15 16 was for a specified purpose; providing the 17 reclassification of such offenses; providing an effective date. 18 19 20 Be It Enacted by the Legislature of the State of Florida: 21 Section 775.0848, Florida Statutes, is created 22 Section 1. 23 to read: 24 775.0848 Commission of a felony after unlawful reentry 25 into the United States; reclassification.-

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26	(1) As used in this section, the term "removal" includes
27	any agreement in which a person stipulates to removal during a
28	criminal proceeding under federal or state law.
29	(2) A person who has been deported or removed from the
30	United States under federal immigration proceedings for
31	committing a felony, or has departed the United States while
32	such an order of deportation or removal is outstanding, shall
33	have the penalty for committing a new felony after unlawfully
3 4	reentering the United States and while remaining unlawfully
35	present reclassified in the following manner:
36	(a) A felony of the third degree is reclassified to a
37	felony of the second degree.
8 8	(b) A felony of the second degree is reclassified to a
39	felony of the first degree.
10	(c) A felony of the first degree is reclassified to a life
11	felony.
12	Section 2. Section 908.12, Florida Statutes, is created to
13	read:
14	908.12 Transnational crime organizations;
15	reclassification
16	(1) As used in this section, the term "transnational crime
17	organization" means an organization that routinely facilitates
18	the international trafficking of drugs, humans, or weapons or
19	the international smuggling of humans.
50	(2) The penalty for any misdemeanor or felony may be

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51	reclassified if the commission of such misdemeanor or felony was
52	for the purpose of benefiting, promoting, or furthering the
3	interests of a transnational crime organization. The
54	reclassification is as follows:
55	(a) A misdemeanor of the second degree is reclassified to
6	a misdemeanor of the first degree.
57	(b) A misdemeanor of the first degree is reclassified to a
8 6	felony of the third degree.
59	(c) A felony of the third degree is reclassified to a
50	felony of the second degree.
51	(d) A felony of the second degree is reclassified to a
52	felony of the first degree.
53	(e) A felony of the first degree is reclassified to a life
54	felony.
55	Section 3. This act shall take effect October 1, 2024.