

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Combee offered the following:

**Amendment (with title amendment)**

5 Between lines 50 and 51, insert:

6 Section 2. Paragraph (a) of subsection (2) and paragraph  
 7 (a) of subsection (3) of section 775.087, Florida Statutes, is  
 8 amended to read:

9 775.087 Possession or use of weapon; aggravated battery;  
 10 felony reclassification; minimum sentence.—

11 (2)(a)1. Any person who is convicted of a felony or an  
 12 attempt to commit a felony, regardless of whether the use of a  
 13 weapon is an element of the felony, and the conviction was for:

- 14 a. Murder;
- 15 b. Sexual battery;
- 16 c. Robbery;
- 17 d. Burglary;

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- 18 e. Arson;
- 19 ~~f. Aggravated assault;~~
- 20 f. ~~g.~~ Aggravated battery;
- 21 g. ~~h.~~ Kidnapping;
- 22 h. ~~i.~~ Escape;
- 23 i. ~~j.~~ Aircraft piracy;
- 24 j. ~~k.~~ Aggravated child abuse;
- 25 k. ~~l.~~ Aggravated abuse of an elderly person or disabled
- 26 adult;
- 27 l. ~~m.~~ Unlawful throwing, placing, or discharging of a
- 28 destructive device or bomb;
- 29 m. ~~n.~~ Carjacking;
- 30 n. ~~o.~~ Home-invasion robbery;
- 31 o. ~~p.~~ Aggravated stalking;
- 32 p. ~~q.~~ Trafficking in cannabis, trafficking in cocaine,
- 33 capital importation of cocaine, trafficking in illegal drugs,
- 34 capital importation of illegal drugs, trafficking in
- 35 phencyclidine, capital importation of phencyclidine, trafficking
- 36 in methaqualone, capital importation of methaqualone,
- 37 trafficking in amphetamine, capital importation of amphetamine,
- 38 trafficking in flunitrazepam, trafficking in gamma-
- 39 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
- 40 trafficking in Phenethylamines, or other violation of s.
- 41 893.135(1); or
- 42 q. ~~r.~~ Possession of a firearm by a felon
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44 and during the commission of the offense, such person actually  
45 possessed a "firearm" or "destructive device" as those terms are  
46 defined in s. 790.001, shall be sentenced to a minimum term of  
47 imprisonment of 10 years, except that a person who is convicted  
48 for ~~aggravated assault~~, possession of a firearm by a felon, or  
49 burglary of a conveyance shall be sentenced to a minimum term of  
50 imprisonment of 3 years if such person possessed a "firearm" or  
51 "destructive device" during the commission of the offense.  
52 However, if an offender who is convicted of the offense of  
53 possession of a firearm by a felon has a previous conviction of  
54 committing or attempting to commit a felony listed in s.  
55 775.084(1)(b)1. and actually possessed a firearm or destructive  
56 device during the commission of the prior felony, the offender  
57 shall be sentenced to a minimum term of imprisonment of 10  
58 years.

59 2. Any person who is convicted of a felony or an attempt  
60 to commit a felony listed in sub-subparagraphs (a)1.a.-~~p.g.~~,  
61 regardless of whether the use of a weapon is an element of the  
62 felony, and during the course of the commission of the felony  
63 such person discharged a "firearm" or "destructive device" as  
64 defined in s. 790.001 shall be sentenced to a minimum term of  
65 imprisonment of 20 years.

66 3. Any person who is convicted of a felony or an attempt  
67 to commit a felony listed in sub-subparagraphs (a)1.a.-~~p.g.~~,  
68 regardless of whether the use of a weapon is an element of the  
69 felony, and during the course of the commission of the felony

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70 such person discharged a "firearm" or "destructive device" as  
71 defined in s. 790.001 and, as the result of the discharge, death  
72 or great bodily harm was inflicted upon any person, the  
73 convicted person shall be sentenced to a minimum term of  
74 imprisonment of not less than 25 years and not more than a term  
75 of imprisonment of life in prison.

76 (3)(a)1. Any person who is convicted of a felony or an  
77 attempt to commit a felony, regardless of whether the use of a  
78 firearm is an element of the felony, and the conviction was for:

- 79 a. Murder;  
80 b. Sexual battery;  
81 c. Robbery;  
82 d. Burglary;  
83 e. Arson;  
84 ~~f. Aggravated assault;~~  
85 f. ~~g.~~ Aggravated battery;  
86 g. ~~h.~~ Kidnapping;  
87 h. ~~i.~~ Escape;  
88 i. ~~j.~~ Sale, manufacture, delivery, or intent to sell,  
89 manufacture, or deliver any controlled substance;  
90 j. ~~k.~~ Aircraft piracy;  
91 k. ~~l.~~ Aggravated child abuse;  
92 l. ~~m.~~ Aggravated abuse of an elderly person or disabled  
93 adult;  
94 m. ~~n.~~ Unlawful throwing, placing, or discharging of a  
95 destructive device or bomb;

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96        n. ~~o.~~ Carjacking;  
97        o. ~~p.~~ Home-invasion robbery;  
98        p. ~~q.~~ Aggravated stalking; or  
99        q. ~~r.~~ Trafficking in cannabis, trafficking in cocaine,  
100 capital importation of cocaine, trafficking in illegal drugs,  
101 capital importation of illegal drugs, trafficking in  
102 phencyclidine, capital importation of phencyclidine, trafficking  
103 in methaqualone, capital importation of methaqualone,  
104 trafficking in amphetamine, capital importation of amphetamine,  
105 trafficking in flunitrazepam, trafficking in gamma-  
106 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
107 trafficking in Phenethylamines, or other violation of s.  
108 893.135(1);

109

110 and during the commission of the offense, such person possessed  
111 a semiautomatic firearm and its high-capacity detachable box  
112 magazine or a machine gun as defined in s. 790.001, shall be  
113 sentenced to a minimum term of imprisonment of 15 years.

114        2. Any person who is convicted of a felony or an attempt  
115 to commit a felony listed in subparagraph (a)1., regardless of  
116 whether the use of a weapon is an element of the felony, and  
117 during the course of the commission of the felony such person  
118 discharged a semiautomatic firearm and its high-capacity box  
119 magazine or a "machine gun" as defined in s. 790.001 shall be  
120 sentenced to a minimum term of imprisonment of 20 years.

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121           3. Any person who is convicted of a felony or an attempt  
122 to commit a felony listed in subparagraph (a)1., regardless of  
123 whether the use of a weapon is an element of the felony, and  
124 during the course of the commission of the felony such person  
125 discharged a semiautomatic firearm and its high-capacity box  
126 magazine or a "machine gun" as defined in s. 790.001 and, as the  
127 result of the discharge, death or great bodily harm was  
128 inflicted upon any person, the convicted person shall be  
129 sentenced to a minimum term of imprisonment of not less than 25  
130 years and not more than a term of imprisonment of life in  
131 prison.

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134  
135 -----  
136                   **T I T L E   A M E N D M E N T**

137           Remove line 3 and insert:  
138 providing legislative findings and intent; amending s. 775.087,  
139 F.S.; removing aggravated assault from the list of offenses that  
140 qualify for certain minimum mandatory sentences; amending s.  
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