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HB 427, Engrossed 1

2014 Legislature

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 2 An act relating to traveling across county lines to
 3 commit a burglary; creating s. 843.22, F.S.; defining
 4 the terms "county of residence" and "burglary";
 5 providing for reclassification of burglaries committed
 6 under certain circumstances; amending s. 903.046,
 7 F.S.; adding a burglary that is reclassified under s.
 8 843.22, F.S., to the factors a court must consider in
 9 determining whether to release a defendant on bail;
 10 providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 843.22, Florida Statutes, is created to
 15 read:

16 843.22 Traveling across county lines with intent to commit
 17 a burglary.-

18 (1) As used in this section, the term:

19 (a) "County of residence" means the county within this
 20 state in which a person resides. Evidence of a person's county
 21 of residence includes, but is not limited to:

22 1. The address on a person's driver license or state
 23 identification card;

24 2. Records of real property or mobile home ownership;

25 3. Records of a lease agreement for residential property;

26 4. The county in which a person's motor vehicle is



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27 registered;

28 5. The county in which a person is enrolled in an
 29 educational institution; and

30 6. The county in which a person is employed.

31 (b) "Burglary" means burglary as defined in s. 810.02,
 32 including an attempt, solicitation, or conspiracy to commit such
 33 offense.

34 (2) If a person who commits a burglary travels any
 35 distance with the intent to commit the burglary in a county in
 36 this state other than the person's county of residence, the
 37 degree of the burglary shall be reclassified to the next higher
 38 degree if the purpose of the person's travel is to thwart law
 39 enforcement attempts to track the items stolen in the burglary.
 40 For purposes of sentencing under chapter 921 and determining
 41 incentive gain-time eligibility under chapter 944, a burglary
 42 that is reclassified under this section is ranked one level
 43 above the ranking specified in s. 921.0022 or s. 921.0023 for
 44 the burglary committed.

45 Section 2. Paragraph (1) of subsection (2) of section
 46 903.046, Florida Statutes, is amended to read:

47 903.046 Purpose of and criteria for bail determination.—

48 (2) When determining whether to release a defendant on
 49 bail or other conditions, and what that bail or those conditions
 50 may be, the court shall consider:

51 (1) Whether the crime charged is a violation of chapter
 52 874 or alleged to be subject to enhanced punishment under



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53 | chapter 874 or reclassification under s. 843.22. If any such
54 | violation is charged against a defendant or if the defendant is
55 | charged with a crime that is alleged to be subject to such
56 | enhancement or reclassification, he or she is ~~shall~~ not ~~be~~
57 | eligible for release on bail or surety bond until the first
58 | appearance on the case in order to ensure the full participation
59 | of the prosecutor and the protection of the public.

60 | Section 3. This act shall take effect October 1, 2014.