By the Committee on Criminal Justice; and Senator Steube

591-02913-17 2017260c1

A bill to be entitled

An act relating to threats to kill or do bodily injury; amending s. 836.10, F.S.; prohibiting a person from making a threat to kill or do bodily injury in a writing or other record, or by posting or transmitting the threat in a specified manner; deleting requirements that a threat be sent to a specific recipient to be prohibited; providing separate penalties for juveniles and adults; amending s. 901.15; F.S.; authorizing a law enforcement officer to arrest a person without a warrant for a criminal act of threat to kill or do bodily injury, as shown in a posting or as transmitted in a specified manner; reenacting ss. 794.056(1), 921.0022(3)(f), and 938.085, F.S., relating to the Rape Crisis Program Trust Fund, to the offense severity ranking chart of the Criminal Punishment Code, and to additional cost to fund rape crisis centers, respectively, to incorporate the amendment made to s. 836.10, F.S., in references thereto; providing an effective date.

2122

1

2

3

4

5

6

7

8

9

10

11

12

13

1415

1617

18

19

20

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

2324

Section 1. Section 836.10, Florida Statutes, is amended to read:

2526

836.10 Written threats to kill or do bodily injury; punishment.—

2728

29

(1) It is unlawful for a Any person to make who writes or composes and also sends or procures the sending of any letter,

591-02913-17 2017260c1

inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or to do bodily injury to another the person:

- (a) In a writing or other record, including an electronic record; or
- (b) By posting or transmitting, or procuring the posting or transmission, in a manner that would allow any person to view the threat.
- (2) A person who is 18 years of age or older and who violates this section to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (3) A person who is under the age of 18 and who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (4) For purposes of this section, the term "electronic record" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

Section 2. Subsection (17) is added to section 901.15, Florida Statutes, to read:

- 901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:
- (17) There is probable cause to believe that the person has committed a criminal act of threat to kill or do bodily injury

591-02913-17 2017260c1

as described in s. 836.10.

59

60

61

62

63

64

65

66

67 68

69

70

71

72

73

74

75

76

77

78

79

80

8182

83

8485

86

87

Section 3. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, subsection (1) of section 794.056, Florida Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.-

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 4. For the purpose of incorporating the amendment

	591-02913-17		2017260c1	
88	made by this act	to section	n 836.10, Florida Statutes, in a	
89	reference thereto, paragraph (f) of subsection (3) of section			
90	921.0022, Florida Statutes, is reenacted to read:			
91	921.0022 Criminal Punishment Code; offense severity ranking			
92	chart			
93	(3) OFFENSE	SEVERITY F	RANKING CHART	
94	(f) LEVEL 6			
95				
96				
	Florida	Felony	Description	
	Statute	Degree		
97				
	316.027(2)(b)	2nd	Leaving the scene of a crash	
			involving serious bodily	
			injury.	
98				
	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent	
			conviction.	
99				
	400.9935(4)(c)	2nd	Operating a clinic, or offering	
			services requiring licensure,	
			without a license.	
100				
	499.0051(2)	2nd	Knowing forgery of transaction	
			history, transaction	
			information, or transaction	
1.01			statement.	
101	400 0051 (2)	0 1	Washing a second of the C	
	499.0051(3)	2nd	Knowing purchase or receipt of	

Page 4 of 12

•	591-02913-17		2017260c1
			prescription drug from
			unauthorized person.
102			
	499.0051(4)	2nd	Knowing sale or transfer of
			prescription drug to
100			unauthorized person.
103	775 0075 (1)	21	Mahina finangan faran lan
	775.0875(1)	3rd	Taking firearm from law enforcement officer.
104			enforcement officer.
104	784.021(1)(a)	3rd	Aggravated assault; deadly
	701.021(1)(0)	014	weapon without intent to kill.
105			
	784.021(1)(b)	3rd	Aggravated assault; intent to
			commit felony.
106			
	784.041	3rd	Felony battery; domestic
			battery by strangulation.
107			
	784.048(3)	3rd	Aggravated stalking; credible
			threat.
108	F04 040 (F)	0 1	
	784.048(5)	3rd	Aggravated stalking of person
109			under 16.
109	784.07(2)(c)	2nd	Aggravated assault on law
	, 01.07(2)(0)	2110	enforcement officer.
110			
	784.074(1)(b)	2nd	Aggravated assault on sexually
			-

Page 5 of 12

	591-02913-17		2017260c1
			violent predators facility
			staff.
111			
	784.08(2)(b)	2nd	Aggravated assault on a person
112			65 years of age or older.
112	784.081(2)	2nd	Aggravated assault on specified
	704.001(2)	2110	official or employee.
113			
	784.082(2)	2nd	Aggravated assault by detained
			person on visitor or other
			detainee.
114			
	784.083(2)	2nd	Aggravated assault on code
			inspector.
115	707 00 (0)	21	
	787.02(2)	3rd	False imprisonment; restraining with purpose other than those
			in s. 787.01.
116			In 3. 737.31.
	790.115(2)(d)	2nd	Discharging firearm or weapon
			on school property.
117			
	790.161(2)	2nd	Make, possess, or throw
			destructive device with intent
			to do bodily harm or damage
			property.
118	700 16471	O == -1	Dallas manant sanaansiis salassiis
	790.164(1)	2nd	False report concerning bomb,

Page 6 of 12

,	591-02913-17		2017260c1
			explosive, weapon of mass
			destruction, act of arson or
			violence to state property, or
			use of firearms in violent
			manner.
119			
	790.19	2nd	Shooting or throwing deadly
			missiles into dwellings,
			vessels, or vehicles.
120			
	794.011(8)(a)	3rd	Solicitation of minor to
			participate in sexual activity
			by custodial adult.
121			
	794.05(1)	2nd	Unlawful sexual activity with
			specified minor.
122			
	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.
123			
	800.04(6)(b)	2nd	Lewd or lascivious conduct;
			offender 18 years of age or
101			older.
124	006 001 (0)	0 1	
	806.031(2)	2nd	Arson resulting in great bodily
			harm to firefighter or any
			other person.

Page 7 of 12

105	591-02913-17		2017260c1
125	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
126	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
127	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.
129	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
130	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
131	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
132	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned

Page 8 of 12

	591-02913-17		2017260c1
			cellular telephones.
133			
	825.102(1)	3rd	Abuse of an elderly person or
			disabled adult.
134			
	825.102(3)(c)	3rd	Neglect of an elderly person or
1 2 5			disabled adult.
135	025 1025 (2)	3rd	Lewd or lascivious molestation
	825.1025(3)	314	of an elderly person or
			disabled adult.
136			disabled addic.
130	825.103(3)(c)	3rd	Exploiting an elderly person or
		0 2 6.	disabled adult and property is
			valued at less than \$10,000.
137			,
	827.03(2)(c)	3rd	Abuse of a child.
138			
	827.03(2)(d)	3rd	Neglect of a child.
139			
	827.071(2) & (3)	2nd	Use or induce a child in a
			sexual performance, or promote
			or direct such performance.
140			
	836.05	2nd	Threats; extortion.
141			
	836.10	2nd	Written threats to kill or do
			bodily injury.
142			

Page 9 of 12

	591-02913-17		2017260c1
	843.12	3rd	Aids or assists person to
			escape.
143			
	847.011	3rd	Distributing, offering to
			distribute, or possessing with
			intent to distribute obscene
			materials depicting minors.
144			
	847.012	3rd	Knowingly using a minor in the
			production of materials harmful
			to minors.
145			
	847.0135(2)	3rd	Facilitates sexual conduct of
			or with a minor or the visual
1.4.6			depiction of such conduct.
146	014 02	0 1	
	914.23	2nd	Retaliation against a witness,
			victim, or informant, with
1 4 7			bodily injury.
147	044 35 (3) (5) 3	3rd	Committing maligious battoms
	944.35(3)(a)2.	SEG	Committing malicious battery upon or inflicting cruel or
			inhuman treatment on an inmate
			or offender on community
			supervision, resulting in great
			bodily harm.
148			23521 Marm.
	944.40	2nd	Escapes.
149			1

Page 10 of 12

Ī	591-02913-17		2017260c1
	944.46	3rd	Harboring, concealing, aiding
			escaped prisoners.
150			
	944.47(1)(a)5.	2nd	Introduction of contraband
			(firearm, weapon, or explosive)
			into correctional facility.
151			
	951.22(1)	3rd	Intoxicating drug, firearm, or
			weapon introduced into county
			facility.
152			
153			
154			
155	Section 5. Fo	r the pur	rpose of incorporating the amendment
156	made by this act to section 836.10, Florida Statutes, in a		
157	reference thereto, section 938.085, Florida Statutes, is		
158	reenacted to read:		
159	938.085 Additional cost to fund rape crisis centers.—In		
160	addition to any sanction imposed when a person pleads guilty or		
161	nolo contendere to	, or is f	found guilty of, regardless of
162	adjudication, a vi	olation o	of s. 775.21(6) and (10)(a), (b), and
163	(g); s. 784.011; s	. 784.021	1; s. 784.03; s. 784.041; s. 784.045;
164	s. 784.048; s. 784	.07; s. 7	784.08; s. 784.081; s. 784.082; s.
165	784.083; s. 784.08	5; s. 787	7.01(3); s. 787.02(3); 787.025; s.
166	787.06; s. 787.07;	s. 794.0	011; s. 794.05; s. 794.08; former s.
167	796.03; former s.	796.035;	s. 796.04; s. 796.05; s. 796.06; s.
168	796.07(2)(a)-(d) a	nd (i); s	s. 800.03; s. 800.04; s. 810.14; s.
169	810.145; s. 812.13	5; s. 817	7.025; s. 825.102; s. 825.1025; s.
170	827.071; s. 836.10	; s. 847.	.0133; s. 847.0135(2); s. 847.0137; s.

591-02913-17

180

181

office.

2017260c1

171 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and 172 (14)(c); or s. 985.701(1), the court shall impose a surcharge of 173 \$151. Payment of the surcharge shall be a condition of 174 probation, community control, or any other court-ordered 175 supervision. The sum of \$150 of the surcharge shall be deposited 176 into the Rape Crisis Program Trust Fund established within the 177 Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain \$1 of each surcharge that the 178 179 clerk of the court collects as a service charge of the clerk's

Section 6. This act shall take effect October 1, 2017.