COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 929 (2023)

Amendment No. 1

ADOPTED (Y/N) ADOPTED AS AMENDED (Y/N) ADOPTED W/O OBJECTION (Y/N) FAILED TO ADOPT (Y/N) WITHDRAWN (Y/N) OTHER Committee/Subcommittee hearing bill: Criminal Justice Subcommittee Representative Lopez, V. offered the following: Amendment (with title amendment) Remove everything after the enacting clause and insert: Section 1. Paragraph (b) of subsection (3) of section 944.35, Florida Statutes, is amended to read: 9 944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties (3) (b)1. As used in this paragraph, the term: a. "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina. <u>b. "Private correctional facility" has the same meaning as</u> in s. 944.710. 469205 - h0929-strike.docx Published On: 3/10/2023 2:01:33 FM		COMMITTEE/SUBCOMMITTEE ACTION			
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17 <u>c.b.</u> "Sexual misconduct" means the oral, anal, or female 18 genital penetration by, or union with, the sexual organ of 19 another or the anal or female genital penetration of another by 20 any other object, but does not include an act done for a bona 21 fide medical purpose or an internal search conducted in the 22 lawful performance of the employee's duty.

23 <u>d. "Volunteer" means a person registered with the</u> 24 <u>department or a private correctional facility who is engaged in</u> 25 <u>specific voluntary service activities on an ongoing or continual</u> 26 <u>basis.</u>

2. Any employee of the department or a private 27 correctional facility as defined in s. 944.710 or any volunteer 28 29 in, or any employee of a contractor or subcontractor of, the 30 department or a private correctional facility who engages in 31 sexual misconduct with an inmate or an offender supervised by 32 the department in the community, without committing the crime of sexual battery, commits a felony of the third degree, punishable 33 as provided in s. 775.082, s. 775.083, or s. 775.084. 34

35 3. The consent of the inmate or offender supervised by the 36 department in the community to any act of sexual misconduct may 37 not be raised as a defense to a prosecution under this 38 paragraph.

39 4. This paragraph does not apply to any employee,
40 <u>volunteer, or employee of a contractor or subcontractor</u> of the
41 department or any employee, volunteer, or employee of a

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42 contractor or subcontractor of a private correctional facility 43 who is legally married to an inmate or an offender supervised by 44 the department in the community, nor does it apply to any 45 employee, volunteer, or employee of a contractor or 46 subcontractor who has no knowledge, and would have no reason to 47 believe, that the person with whom the employee, volunteer, or 48 employee of a contractor or subcontractor has engaged in sexual misconduct is an inmate or an offender under community 49 50 supervision of the department. 51 Section 2. This act shall take effect July 1, 2023. 52 53 54 TITLE AMENDMENT 55 Remove everything before the enacting clause and insert: An act relating to sexual misconduct in the 56 57 correctional system; amending s. 944.35, F.S.; prohibiting sexual misconduct by any volunteer in, or 58 59 any employee of a contractor or subcontractor of, the Department of Corrections or a private correctional 60 facility; providing criminal penalties; providing 61 applicability; providing an effective date. 62

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