2An act relating to battery of facility3employee; creating s. 784.078, F.S.; defining4"facility"; defining "employee"; defining the5offense of battery of facility employee by6throwing, tossing, or expelling certain fluids7or materials on an employee of a correctional8facility of the state or local government or a9secure facility operated and maintained by the10Department of Corrections or the Department of11Juvenile Justice or other facility employee, so12as to cause or attempt to cause such employee13to come into contact with the fluid or14material; providing penalties; providing for15placement of an offender on a management meal16program under specified circumstances;17providing an effective date.18section 1. Section 784.078, Florida Statutes, is				
<pre>4 "facility"; defining "employee"; defining the 5 offense of battery of facility employee by 6 throwing, tossing, or expelling certain fluids 7 or materials on an employee of a correctional 8 facility of the state or local government or a 9 secure facility operated and maintained by the 10 Department of Corrections or the Department of 11 Juvenile Justice or other facility employee, so 12 as to cause or attempt to cause such employee 13 to come into contact with the fluid or 14 material; providing penalties; providing for 15 placement of an offender on a management meal 16 program under specified circumstances; 17 providing an effective date. 18 19 Be It Enacted by the Legislature of the State of Florida: 20 Section 1. Section 784.078, Florida Statutes, is</pre>				
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<pre>16 program under specified circumstances; 17 providing an effective date. 18 19 Be It Enacted by the Legislature of the State of Florida: 20 21 Section 1. Section 784.078, Florida Statutes, is</pre>				
<pre>17 providing an effective date. 18 19 Be It Enacted by the Legislature of the State of Florida: 20 21 Section 1. Section 784.078, Florida Statutes, is</pre>				
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20 21 Section 1. Section 784.078, Florida Statutes, is				
21 Section 1. Section 784.078, Florida Statutes, is				
22 created to read:				
23 <u>784.078</u> Battery of facility employee by throwing,				
24 tossing, or expelling certain fluids or materials				
25 (1) As used in this section, the term "facility" means				
a state correctional institution defined in s. 944.02(6); a				
private correctional facility defined in s. 944.710 or under				
chapter 957; a county, municipal, or regional jail or other				
29 detention facility of local government under chapter 950 or				
30 <u>chapter 951; or a secure facility operated and maintained by</u>				
31				

## HB 1165, First Engrossed

the Department of Corrections or the Department of Juvenile 1 2 Justice. 3 (2)(a) As used in this section, the term "employee" 4 means any person employed by or performing contractual 5 services for a public or private entity operating a facility. 6 "Employee" includes any person who is a parole (b) 7 examiner with the Florida Parole Commission. 8 (3)(a) It is unlawful for any person, while being 9 detained in a facility and with intent to harass, annoy, threaten, or alarm a person in a facility whom he or she knows 10 or reasonably should know to be an employee of such facility, 11 12 to cause or attempt to cause such employee to come into contact with blood, masticated food, regurgitated food, 13 14 saliva, seminal fluid, or urine or feces, whether by throwing, 15 tossing, or expelling such fluid or material. 16 (b)1. Any person who violates paragraph (a) commits 17 battery of a facility employee, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 18 19 775.084. 20 2. In addition to the penalties imposed under 21 subparagraph 1., the administration of a facility may place a 22 violator of paragraph (a) who is a prisoner as defined in s. 23 944.02 on a management meal program as specified by rules and regulations applicable to the facility. 24 25 Section 2. Paragraph (d) of subsection (3) of 26 section 921.0012, Florida Statutes, is amended to read: 921.0012 Sentencing guidelines offense levels; offense 27 28 severity ranking chart .--29 (3) OFFENSE SEVERITY RANKING CHART 30 31

2StatuteDegreeDescription34567316.1935(2)3rd787784.07(2)(b)3rd8784.07(2)(b)3rd9784.07(2)(b)3rd9784.07510784.0751112784.07513784.07814784.08(2)(c)15784.08(2)(c)16784.081(3)17784.082(3)18784.082(3)3rd910111213787.03(1)14151516171818191010111112131415151516171819191010111213141515161718191910101112131415151617181919<	1	Florida	Felony	
4	2	Statute	Degree	Description
5(d) LEVEL 47316.1935(2)3rdFleeing or attempting to elude law enforcement officer resulting in high-speed pursuit.9784.07(2)(b)3rdBattery of law enforcement officer, firefighter, intake officer, etc.10784.07(2)(b)3rdBattery of law enforcement officer, etc.11784.0753rdBattery on detention or commitment facility staff.15784.0783rdBattery of facility employee by throwing, tossing, or expelling certain fluids or materials.18784.08(2)(c)3rdBattery on a person 65 years of age or older.19784.081(3)3rdBattery by detained person on visitor or other detainee.20784.082(3)3rdInterference with custody; wrongly takes child from appointed guardian.21787.04(2)3rdTake, entice, or remove child beyond state limits with criminal intent pending custody	3			
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23 visitor or other detainee. 24 787.03(1) 3rd Interference with custody; 25 wrongly takes child from 26 appointed guardian. 27 787.04(2) 3rd Take, entice, or remove child 28 beyond state limits with criminal 29 intent pending custody	21			employee.
24787.03(1)3rdInterference with custody;25wrongly takes child from appointed guardian.26Take, entice, or remove child beyond state limits with criminal intent pending custody	22	784.082(3)	3rd	Battery by detained person on
25 wrongly takes child from appointed guardian. 27 787.04(2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody	23			visitor or other detainee.
26appointed guardian.27787.04(2)3rd28beyond state limits with criminal29intent pending custody	24	787.03(1)	3rd	Interference with custody;
27787.04(2)3rdTake, entice, or remove child28beyond state limits with criminal29intent pending custody	25			wrongly takes child from
<ul><li>28 beyond state limits with criminal</li><li>29 intent pending custody</li></ul>	26			appointed guardian.
29 intent pending custody	27	787.04(2)	3rd	Take, entice, or remove child
	28			beyond state limits with criminal
	29			intent pending custody
30 proceedings.	30			proceedings.
31	31			

1	787.04(3)	3rd	Carrying child beyond state lines
2			with criminal intent to avoid
3			producing child at custody
4			hearing or delivering to
5			designated person.
6	790.115(1)	3rd	Exhibiting firearm or weapon
7			within 1,000 feet of a school.
8	790.115(2)(b)	3rd	Possessing electric weapon or
9			device, destructive device, or
10			other weapon on school property.
11	790.115(2)(c)	3rd	Possessing firearm on school
12			property.
13	810.02(4)(a)	3rd	Burglary, or attempted burglary,
14			of an unoccupied structure;
15			unarmed; no assault or battery.
16	810.02(4)(b)	3rd	Burglary, or attempted burglary,
17			of an unoccupied conveyance;
18			unarmed; no assault or battery.
19	810.06	3rd	Burglary; possession of tools.
20	810.08(2)(c)	3rd	Trespass on property, armed with
21			firearm or dangerous weapon.
22	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
23			or more but less than \$20,000.
24	812.014		
25	(2)(c)410.	3rd	Grand theft, 3rd degree, a will,
26			firearm, motor vehicle,
27			livestock, etc.
28	817.563(1)	3rd	Sell or deliver substance other
29			than controlled substance agreed
30			upon, excluding s. 893.03(5)
31			drugs.

1	828.125(1)	2nd	Kill, maim, or cause great bodily
2			harm or permanent breeding
3			disability to any registered
4			horse or cattle.
5	837.02(1)	3rd	Perjury in official proceedings.
6	837.021(1)	3rd	Make contradictory statements in
7			official proceedings.
8	843.025	3rd	Deprive law enforcement,
9			correctional, or correctional
10			probation officer of means of
11			protection or communication.
12	843.15(1)(a)	3rd	Failure to appear while on bail
13			for felony (bond estreature or
14			bond jumping).
15	874.05(1)	3rd	Encouraging or recruiting another
16			to join a criminal street gang.
17	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
18			893.03(1)(a), (b), or (d), or
19			(2)(a) or (b) drugs).
20	914.14(2)	3rd	Witnesses accepting bribes.
21	914.22(1)	3rd	Force, threaten, etc., witness,
22			victim, or informant.
23	914.23(2)	3rd	Retaliation against a witness,
24			victim, or informant, no bodily
25			injury.
26	918.12	3rd	Tampering with jurors.
27			
28	Section 3.	Paragrap	h (f) of subsection (3) of section
29	921.0012, Florida	Statutes,	is amended to read:
30	921.0012 S	entencing	guidelines offense levels; offense
31	severity ranking c	hart	

1	(3) OFFE	NSE SEVERI'	IY RANKING CHART
2	Florida	Felony	
3	Statute	Degree	Description
4			
5			
6			
7			(f) LEVEL 6
8	316.027(1)(b)	2nd	Accident involving death, failure
9			to stop; leaving scene.
10	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
11			conviction.
12	775.0875(1)	3rd	Taking firearm from law
13			enforcement officer.
14	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
15			without intent to kill.
16	784.021(1)(b)	3rd	Aggravated assault; intent to
17			commit felony.
18	784.048(3)	3rd	Aggravated stalking; credible
19			threat.
20	784.07(2)(c)	2nd	Aggravated assault on law
21			enforcement officer.
22	784.078	3rd	Aggravated battery of facility
23			employee by throwing, tossing, or
24			expelling certain fluids or
25			materials.
26	784.08(2)(b)	2nd	Aggravated assault on a person 65
27			years of age or older.
28	784.081(2)	2nd	Aggravated assault on specified
29			official or employee.
30			
31			

2person on visitor or other detainee.3787.02(2)3rdFalse imprisonment; restraining with purpose other than those in s. 787.01.7790.115(2)(d)2ndDischarging firearm or weapon on school property.9790.161(2)2ndMake, possess, or throw destructive device with intent to do bodily harm or damage property.10790.164(1)2ndFalse report of deadly explosive or act of arson or violence to state property.13790.164(1)2ndShooting or throwing deadly missiles into dwellings, vessels, or vehicles.14790.192ndShooting or throwing deadly missiles into dwellings, vessels, or vehicles.19794.011(8)(a)3rdSolicitation of minor to participate in sexual activity with specified minor.24806.031(2)2ndArson resulting in great bodily harm to firefighter or any other person.25812.014(2)(b)2ndBurglary of occupied structure; unarmed; no assault or battery.29812.014(2)(b)2ndProperty stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.	1	784.082(2)	2nd	Aggravated assault by detained
4787.02(2)3rdFalse imprisonment; restraining with purpose other than those in s. 787.01.7790.115(2)(d)2ndDischarging firearm or weapon on school property.9790.161(2)2ndMake, possess, or throw destructive device with intent to do bodily harm or damage property.10790.164(1)2ndFalse report of deadly explosive or act of arson or violence to state property.13790.192ndShooting or throwing deadly missiles into dwellings, vessels, or vehicles.19794.011(8)(a)3rdSolicitation of minor to participate in sexual activity by custodial adult.22794.05(1)2ndArson resulting in great bodily harm to firefighter or any other person.24806.031(2)2ndBurglary of occupied structure; unarmed; no assault or battery.25110.02(3)(c)2ndProperty stolen \$20,000 or more, but less than \$100,000, grand	2			person on visitor or other
5with purpose other than those in s. 787.01.7790.115(2)(d)2ndDischarging firearm or weapon on school property.9790.161(2)2ndMake, possess, or throw0destructive device with intent to do bodily harm or damage property.13790.164(1)2ndFalse report of deadly explosive or act of arson or violence to state property.14790.192ndShooting or throwing deadly missiles into dwellings, vessels, or vehicles.19794.011(8)(a)3rdSolicitation of minor to participate in sexual activity by custodial adult.212ndArson resulting in great bodily harm to firefighter or any other person.23810.02(3)(c)2ndBurglary of occupied structure; unarmed; no assault or battery.24812.014(2)(b)2ndProperty stolen \$20,000 or more, but less than \$100,000, grand	3			detainee.
6       s. 787.01.         7       790.115(2)(d)       2nd       Discharging firearm or weapon on school property.         9       790.161(2)       2nd       Make, possess, or throw         10       destructive device with intent to do bodily harm or damage property.         13       790.164(1)       2nd       False report of deadly explosive or act of arson or violence to state property.         14       or act of arson or violence to state property.         15       state property.         16       790.19       2nd         17       missiles into dwellings, vessels, or vehicles.         18       or vehicles.         19       794.011(8)(a)       3rd         21       specified minor to participate in sexual activity by custodial adult.         22       794.05(1)       2nd         23       794.05(1)       2nd         24       806.031(2)       2nd         25       person.       21         26       person.       21         27       810.02(3)(c)       2nd       Burglary of occupied structure; unarmed; no assault or battery.         28       812.014(2)(b)       2nd       Property stolen \$20,000 or more, but less than \$100,000, grand	4	787.02(2)	3rd	False imprisonment; restraining
7790.115(2)(d)2ndDischarging firearm or weapon on school property.9790.161(2)2ndMake, possess, or throw10destructive device with intent to do bodily harm or damage property.12property.13790.164(1)2ndFalse report of deadly explosive or act of arson or violence to state property.14790.192ndShooting or throwing deadly missiles into dwellings, vessels, or vehicles.19794.011(8)(a)3rdSolicitation of minor to participate in sexual activity by custodial adult.22794.05(1)2ndUnlawful sexual activity with specified minor.24806.031(2)2ndArson resulting in great bodily harm to firefighter or any other person.27810.02(3)(c)2ndBurglary of occupied structure; unarmed; no assault or battery.2821.014(2)(b)2ndProperty stolen \$20,000 or more, but less than \$100,000, grand	5			with purpose other than those in
8school property.9790.161(2)2ndMake, possess, or throw destructive device with intent to do bodily harm or damage property.12790.164(1)2ndFalse report of deadly explosive or act of arson or violence to state property.14790.164(1)2ndFalse report of deadly explosive or act of arson or violence to state property.15790.192ndShooting or throwing deadly missiles into dwellings, vessels, or vehicles.19794.011(8)(a)3rdSolicitation of minor to participate in sexual activity by custodial adult.212ndUnlawful sexual activity with specified minor.23806.031(2)2ndArson resulting in great bodily harm to firefighter or any other person.24810.02(3)(c)2ndBurglary of occupied structure; unarmed; no assault or battery.29812.014(2)(b)2ndProperty stolen \$20,000 or more, but less than \$100,000, grand	6			s. 787.01.
9790.161(2)2ndMake, possess, or throw destructive device with intent to do bodily harm or damage property.12	7	790.115(2)(d)	2nd	Discharging firearm or weapon on
10destructive device with intent to do bodily harm or damage property.12property.13790.164(1)2ndFalse report of deadly explosive or act of arson or violence to state property.14790.164(1)2ndShooting or throwing deadly missiles into dwellings, vessels, or vehicles.16790.192ndShooting or throwing deadly missiles into dwellings, vessels, or vehicles.189794.011(8)(a)3rdSolicitation of minor to participate in sexual activity by custodial adult.212ndUnlawful sexual activity with specified minor.23806.031(2)2ndArson resulting in great bodily harm to firefighter or any other person.24810.02(3)(c)2ndBurglary of occupied structure; unarmed; no assault or battery.29812.014(2)(b)2ndProperty stolen \$20,000 or more, but less than \$100,000, grand	8			school property.
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18or vehicles.19794.011(8)(a)3rdSolicitation of minor to participate in sexual activity by custodial adult.20202021202022794.05(1)2ndUnlawful sexual activity with specified minor.23202024806.031(2)2ndArson resulting in great bodily harm to firefighter or any other person.26202ndBurglary of occupied structure; unarmed; no assault or battery.29812.014(2)(b)2ndProperty stolen \$20,000 or more, but less than \$100,000, grand	16	790.19	2nd	Shooting or throwing deadly
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20participate in sexual activity by custodial adult.21custodial adult.22794.05(1)2nd24806.031(2)2nd25Arson resulting in great bodily harm to firefighter or any other person.269810.02(3)(c)27810.02(3)(c)812.014(2)(b)2nd812.014(2)(b)2nd289812.014(2)(b)29812.014(2)(b)209000 or more, but less than \$100,000, grand	18			or vehicles.
21custodial adult.22794.05(1)2ndUnlawful sexual activity with23specified minor.24806.031(2)2ndArson resulting in great bodily25narm to firefighter or any other26person.27810.02(3)(c)2ndBurglary of occupied structure;28unarmed; no assault or battery.29812.014(2)(b)2ndProperty stolen \$20,000 or more, but less than \$100,000, grand	19	794.011(8)(a)	3rd	Solicitation of minor to
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23 specified minor. 24 806.031(2) 2nd Arson resulting in great bodily harm to firefighter or any other person. 27 810.02(3)(c) 2nd Burglary of occupied structure; unarmed; no assault or battery. 29 812.014(2)(b) 2nd Property stolen \$20,000 or more, but less than \$100,000, grand	21			custodial adult.
24806.031(2)2ndArson resulting in great bodily harm to firefighter or any other person.26	22	794.05(1)	2nd	Unlawful sexual activity with
25harm to firefighter or any other26person.27810.02(3)(c)2ndBurglary of occupied structure;28unarmed; no assault or battery.29812.014(2)(b)2ndProperty stolen \$20,000 or more, but less than \$100,000, grand	23			specified minor.
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<ul> <li>27 810.02(3)(c)</li> <li>2nd Burglary of occupied structure; unarmed; no assault or battery.</li> <li>29 812.014(2)(b)</li> <li>2nd Property stolen \$20,000 or more, but less than \$100,000, grand</li> </ul>	25			harm to firefighter or any other
28 29 812.014(2)(b) 2nd Property stolen \$20,000 or more, but less than \$100,000, grand	26			person.
29       812.014(2)(b)       2nd       Property stolen \$20,000 or more,         30       but less than \$100,000, grand	27	810.02(3)(c)	2nd	Burglary of occupied structure;
30 but less than \$100,000, grand	28			unarmed; no assault or battery.
	29	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
31 theft in 2nd degree.	30			but less than \$100,000, grand
	31			theft in 2nd degree.

2weapon (strong-arm robbery).3817.034(4)(a)1.1stCommunications fraud, value greater than \$50,000.5817.4821(5)2ndPossess cloning paraphernalia with intent to create cloned cellular telephones.6with intent to create cloned cellular telephones.73rdAbuse of an elderly person or disabled adult.10825.102(1)3rdNeglect of an elderly person or disabled adult.112825.102(3)(c)3rdLewd or lascivious molestation of an elderly person or disabled adult.13825.103(2)(c)3rdExploiting an elderly person or disabled adult.14825.103(2)(c)3rdExploiting on more, but less than \$20,000.19827.03(1)3rdAbuse of a child.20827.03(1)3rdNeglect of a child.
4greater than \$50,000.5817.4821(5)2ndPossess cloning paraphernalia with intent to create cloned cellular telephones.7cellular telephones.8825.102(1)3rdAbuse of an elderly person or disabled adult.10825.102(3)(c)3rdNeglect of an elderly person or disabled adult.12825.1025(3)3rdLewd or lascivious molestation of an elderly person or disabled adult.14825.103(2)(c)3rdExploiting an elderly person or disabled adult.15825.103(2)(c)3rdExploiting an elderly person or disabled adult and property is valued at \$100 or more, but less than \$20,000.19827.03(1)3rdAbuse of a child.20827.03(3)(c)3rdNeglect of a child.
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6with intent to create cloned cellular telephones.8825.102(1)3rdAbuse of an elderly person or disabled adult.10825.102(3)(c)3rdNeglect of an elderly person or disabled adult.12825.1025(3)3rdLewd or lascivious molestation of an elderly person or disabled adult.14825.103(2)(c)3rdExploiting an elderly person or disabled adult.15825.103(2)(c)3rdExploiting an elderly person or disabled adult and property is valued at \$100 or more, but less than \$20,000.19827.03(1)3rdAbuse of a child.20827.03(3)(c)3rdNeglect of a child.
7cellular telephones.8825.102(1)3rdAbuse of an elderly person or disabled adult.9825.102(3)(c)3rdNeglect of an elderly person or disabled adult.10825.1025(3)3rdLewd or lascivious molestation of an elderly person or disabled adult.13825.103(2)(c)3rdExploiting an elderly person or disabled adult.14825.103(2)(c)3rdExploiting an elderly person or disabled adult and property is valued at \$100 or more, but less than \$20,000.19827.03(1)3rdAbuse of a child.20827.03(3)(c)3rdNeglect of a child.
<ul> <li>8 825.102(1)</li> <li>3rd Abuse of an elderly person or disabled adult.</li> <li>825.102(3)(c)</li> <li>3rd Neglect of an elderly person or disabled adult.</li> <li>825.1025(3)</li> <li>3rd Lewd or lascivious molestation of an elderly person or disabled adult.</li> <li>825.103(2)(c)</li> <li>3rd Exploiting an elderly person or disabled adult and property is valued at \$100 or more, but less than \$20,000.</li> <li>827.03(1)</li> <li>3rd Abuse of a child.</li> <li>827.03(3)(c)</li> <li>3rd Neglect of a child.</li> </ul>
9disabled adult.10825.102(3)(c)3rdNeglect of an elderly person or disabled adult.1112825.1025(3)3rdLewd or lascivious molestation of an elderly person or disabled adult.14825.103(2)(c)3rdExploiting an elderly person or disabled adult and property is valued at \$100 or more, but less than \$20,000.19827.03(1)3rdAbuse of a child.20827.03(3)(c)3rdNeglect of a child.
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11disabled adult.12825.1025(3)3rdLewd or lascivious molestation of an elderly person or disabled adult.13825.103(2)(c)3rdExploiting an elderly person or disabled adult and property is valued at \$100 or more, but less than \$20,000.19827.03(1)3rdAbuse of a child.20827.03(3)(c)3rdNeglect of a child.
12 825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult. 14 825.103(2)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at \$100 or more, but less than \$20,000. 19 827.03(1) 3rd Abuse of a child. 20 827.03(3)(c) 3rd Neglect of a child.
13 13 14 14 15 825.103(2)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at \$100 or more, but less than \$20,000. 19 827.03(1) 3rd Abuse of a child. 20 827.03(3)(c) 3rd Neglect of a child.
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<pre>15 825.103(2)(c) 3rd Exploiting an elderly person or 16 disabled adult and property is 17 valued at \$100 or more, but less 18 than \$20,000. 19 827.03(1) 3rd Abuse of a child. 20 827.03(3)(c) 3rd Neglect of a child.</pre>
16disabled adult and property is valued at \$100 or more, but less17valued at \$100 or more, but less18than \$20,000.19827.03(1)3rd20827.03(3)(c)3rd3rdNeglect of a child.
17       valued at \$100 or more, but less         18       than \$20,000.         19       827.03(1)       3rd       Abuse of a child.         20       827.03(3)(c)       3rd       Neglect of a child.
18       than \$20,000.         19       827.03(1)       3rd       Abuse of a child.         20       827.03(3)(c)       3rd       Neglect of a child.
19       827.03(1)       3rd       Abuse of a child.         20       827.03(3)(c)       3rd       Neglect of a child.
20 827.03(3)(c) 3rd Neglect of a child.
21 827.071(2)&(3) 2nd Use or induce a child in a sexual
22 performance, or promote or direct
23 such performance.
24836.052ndThreats; extortion.
25836.102ndWritten threats to kill or do
26 bodily injury.
27843.123rdAids or assists person to escape.
28914.232ndRetaliation against a witness,
29 victim, or informant, with bodily
30 injury.
31

1	944.35(3)(a)2.	3rd	Committing malicious battery upon
2			or inflicting cruel or inhuman
3			treatment on an inmate or
4			offender on community
5			supervision, resulting in great
6			bodily harm.
7	944.40	2nd	Escapes.
8	944.46	3rd	Harboring, concealing, aiding
9			escaped prisoners.
10	944.47(1)(a)5.	2nd	Introduction of contraband
11			(firearm, weapon, or explosive)
12			into correctional facility.
13	951.22(1)	3rd	Intoxicating drug, firearm, or
14			weapon introduced into county
15			facility.
16	Section 4.	This act	shall take effect October 1, 1997.
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