

Bill No. CS for SB 154

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Campbell moved the following amendment:		
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13	Senate Amendment		
14	On page 0, delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Section 775.085, Florida Statutes, is		
18	amended to read:		
19	775.085 Evidencing prejudice while committing offense;		
20	enhanced penalties.--		
21	(1)(a) The penalty for any felony or misdemeanor shall		
22	be reclassified as provided in this subsection if the		
23	commission of such felony or misdemeanor evidences prejudice		
24	based on the race, color, ancestry, ethnicity, religion,		
25	sexual orientation, or national origin, <u>mental or physical</u>		
26	<u>disability, or advanced age</u> of the victim:		
27	1.(a) A misdemeanor of the second degree shall be		
28	punishable as if it were a misdemeanor of the first degree.		
29	2.(b) A misdemeanor of the first degree shall be		
30	punishable as if it were a felony of the third degree.		
31	3.(c) A felony of the third degree shall be punishable		

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1 as if it were a felony of the second degree.

2 ~~4.(d)~~ A felony of the second degree shall be
3 punishable as if it were a felony of the first degree.

4 5. A felony of the first degree shall be punishable as
5 if it were a life felony.

6 (b) As used in paragraph (a), the term:

7 1. "Mental or physical disability" means that the
8 victim suffers from a condition of physical or mental
9 incapacitation due to a developmental disability, organic
10 brain damage, or mental illness, and has one or more physical
11 or mental limitations that restrict the victim's ability to
12 perform the normal activities of daily living.

13 2. "Advanced age" means that the victim is older than
14 65 years of age.

15 (2) A person or organization ~~that~~ ~~which~~ establishes by
16 clear and convincing evidence that it has been coerced,
17 intimidated, or threatened in violation of this section has
18 ~~shall have~~ a civil cause of action for treble damages, an
19 injunction, or any other appropriate relief in law or in
20 equity. Upon prevailing in such civil action, the plaintiff
21 may recover reasonable attorney's fees and costs.

22 (3) It ~~is~~ ~~shall be~~ an essential element of this
23 section that the record reflect that the defendant perceived,
24 knew, or had reasonable grounds to know or perceive that the
25 victim was within the class delineated in this section herein.

26 Section 2. This act shall take effect October 1, 1998.

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