

By the Committee on Crime & Punishment and Representatives
Villalobos, Ball, Feeney, Fasano, Crist, Byrd, Heyman,
Saunders and Culp

1 A bill to be entitled
2 An act relating to stalking; creating the
3 "Jennifer Act"; amending s. 784.048, F.S.;
4 defining the offense of aggravated stalking of
5 a minor under age 16; providing penalties;
6 amending s. 921.0012, F.S.; providing for
7 classification of such offense within the
8 offense severity ranking chart; providing an
9 effective date.

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

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13 Section 1. This act may be cited as the "Jennifer
14 Act."15 Section 2. Section 784.048, Florida Statutes, is
16 amended to read:

17 784.048 Stalking; definitions; penalties.--

18 (1) As used in this section, the term:19 (a) "Harass" ~~"Harasses"~~ means to engage in a course of
20 conduct directed at a specific person that causes substantial
21 emotional distress in such person and serves no legitimate
22 purpose.23 (b) "Course of conduct" means a pattern of conduct
24 composed of a series of acts over a period of time, however
25 short, evidencing a continuity of purpose. Constitutionally
26 protected activity is not included within the meaning of
27 "course of conduct." Such constitutionally protected activity
28 includes picketing or other organized protests.29 (c) "Credible threat" means a threat made with the
30 intent to cause the person who is the target of the threat to
31 reasonably fear for his or her safety. The threat must be

1 against the life of, or a threat to cause bodily injury to, a
2 person.

3 (2) Any person who willfully, maliciously, and
4 repeatedly follows or harasses another person commits the
5 offense of stalking, a misdemeanor of the first degree,
6 punishable as provided in s. 775.082 or s. 775.083.

7 (3) Any person who willfully, maliciously, and
8 repeatedly follows or harasses another person, and makes a
9 credible threat with the intent to place that person in
10 reasonable fear of death or bodily injury, commits the offense
11 of aggravated stalking, a felony of the third degree,
12 punishable as provided in s. 775.082, s. 775.083, or s.
13 775.084.

14 (4) Any person who, after an injunction for protection
15 against repeat violence pursuant to s. 784.046, or an
16 injunction for protection against domestic violence pursuant
17 to s. 741.30, or after any other court-imposed prohibition of
18 conduct toward the subject person or that person's property,
19 knowingly, willfully, maliciously, and repeatedly follows or
20 harasses another person commits the offense of aggravated
21 stalking, a felony of the third degree, punishable as provided
22 in s. 775.082, s. 775.083, or s. 775.084.

23 (5) Any person who willfully, maliciously, and
24 repeatedly follows or harasses a minor under 16 years of age
25 commits the offense of aggravated stalking, a felony of the
26 third degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

28 ~~(6)(5)~~ Any law enforcement officer may arrest, without
29 a warrant, any person he or she has probable cause to believe
30 has violated the provisions of this section.

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1	784.082(2)	2nd	Aggravated assault by detained
2			person on visitor or other
3			detainee.
4	787.02(2)	3rd	False imprisonment; restraining
5			with purpose other than those in
6			s. 787.01.
7	790.115(2)(d)	2nd	Discharging firearm or weapon on
8			school property.
9	790.161(2)	2nd	Make, possess, or throw
10			destructive device with intent to
11			do bodily harm or damage
12			property.
13	790.164(1)	2nd	False report of deadly explosive
14			or act of arson or violence to
15			state property.
16	790.19	2nd	Shooting or throwing deadly
17			missiles into dwellings, vessels,
18			or vehicles.
19	794.011(8)(a)	3rd	Solicitation of minor to
20			participate in sexual activity by
21			custodial adult.
22	794.05(1)	2nd	Unlawful sexual activity with
23			specified minor.
24	806.031(2)	2nd	Arson resulting in great bodily
25			harm to firefighter or any other
26			person.
27	810.02(3)(c)	2nd	Burglary of occupied structure;
28			unarmed; no assault or battery.
29	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
30			but less than \$100,000, grand
31			theft in 2nd degree.

1	812.13(2)(c)	2nd	Robbery, no firearm or other
2			weapon (strong-arm robbery).
3	817.034(4)(a)1.	1st	Communications fraud, value
4			greater than \$50,000.
5	817.4821(5)	2nd	Possess cloning paraphernalia
6			with intent to create cloned
7			cellular telephones.
8	825.102(1)	3rd	Abuse of an elderly person or
9			disabled adult.
10	825.102(3)(c)	3rd	Neglect of an elderly person or
11			disabled adult.
12	825.1025(3)	3rd	Lewd or lascivious molestation of
13			an elderly person or disabled
14			adult.
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.
21	827.071(2)&(3)	2nd	Use or induce a child in a sexual
22			performance, or promote or direct
23			such performance.
24	836.05	2nd	Threats; extortion.
25	836.10	2nd	Written threats to kill or do
26			bodily injury.
27	843.12	3rd	Aids or assists person to escape.
28	914.23	2nd	Retaliation against a witness,
29			victim, or informant, with bodily
30			injury.
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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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