

By Representative Rodriguez-Chomat

1 A bill to be entitled
2 An act relating to sexual battery; creating s.
3 794.025, F.S.; creating the "Officer Elizabeth
4 Alvarez Child Protection Act of 1997";
5 providing legislative findings and intent with
6 respect to imposition of mandatory minimum
7 imprisonment upon sexual batterers whose
8 victims are under 13 years of age; providing a
9 mandatory minimum penalty of 2 years'
10 imprisonment when the sexual battery victim was
11 under 13 years of age; providing for
12 construction; providing an effective date.

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

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16 Section 1. Section 794.025, Florida Statutes, is
17 created to read:

18 794.025 Sexual battery upon child under 13; mandatory
19 minimum penalty.--

20 (1) SHORT TITLE.--This section shall be known and may
21 be cited as the "Officer Elizabeth Alvarez Child Protection
22 Act of 1997."

23 (2) INTENT.--

24 (a) The Legislature finds that young children who are
25 under 13 years of age warrant special protection against
26 sexual battery offenses. Accordingly, for the purpose of
27 better protecting the children of this state from sexual
28 battery offenses, the Legislature intends to ensure that the
29 penalties for sexual battery offenses against children who are
30 under 13 years of age include imposition of a mandatory
31 minimum term of imprisonment.

1 (b) In order to encourage and facilitate the rigorous
2 prosecution of sexual offenses against children, it is the
3 intent of the Legislature that state attorneys and state and
4 local law enforcement agencies, in conjunction with the
5 courts, shall enforce the provisions of this act to the full
6 extent of the law and do all things appropriate to the
7 effectuation of its purpose and intent which may be within
8 their respective jurisdictions.

9 (3) MANDATORY MINIMUM IMPRISONMENT.--A person who
10 commits any sexual battery in violation of s. 794.011 upon a
11 child under 13 years of age shall be sentenced to a mandatory
12 minimum of 2 years' imprisonment. Notwithstanding s.
13 921.0012, relating to the sentencing guidelines offense
14 levels, or any other provision of law to the contrary, for
15 purposes of construing or interpreting this subsection, the
16 provisions for mandatory minimum imprisonment in this
17 subsection shall supersede any provision of law the
18 application of which would result in the imposition of a
19 shorter term of imprisonment upon the person sentenced for the
20 offense. However, if the person would be sentenced to a
21 longer term of imprisonment under any other provision of law,
22 the person must be sentenced for the offense under that
23 provision.

24 Section 2. This act shall take effect October 1, 1997,
25 and shall apply to offenses committed on or after that date.
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HOUSE SUMMARY

Creates the "Officer Elizabeth Alvarez Child Protection Act of 1997." Provides legislative findings and intent with respect to imposition of mandatory minimum imprisonment upon sexual batterers whose victims are children under 13 years of age. Provides a penalty of 2 years' mandatory minimum imprisonment when the sexual batterer's victim was under 13 years of age. Provides, for purposes of construction, that the new provisions for mandatory minimum imprisonment shall supersede any provision of law the application of which would result in shorter imprisonment.