

By Representative Jones

1                                   A bill to be entitled  
2           An act relating to criminal actions committed  
3           through the use of simulated legal process or  
4           under false color of law; creating s. 843.0855,  
5           F.S.; providing definitions; defining the  
6           offense of deliberately impersonating or  
7           falsely acting as a public officer or tribunal  
8           or public employee or utility employee in  
9           connection with or relating to legal process,  
10          or taking action under color of law against  
11          persons or property, and providing penalties  
12          therefor; defining the offense of simulating  
13          legal process with knowledge or reason to know  
14          of fraud with respect to a legal document,  
15          proceeding, or basis for action, and providing  
16          penalties therefor; defining the offense of  
17          falsely under color of law attempting to  
18          influence, intimidate, or hinder a public  
19          officer or law enforcement officer in the  
20          discharge of official duties, and providing  
21          penalties therefor; providing for  
22          applicability; providing an effective date.

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

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26           Section 1. Section 843.0855, Florida Statutes, is  
27 created to read:

28           843.0855 Criminal actions under color of law or through  
29 use of simulated legal process.--

30           (1) As used in this section:

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1       (a) The term "legal process" means a document or order  
2 issued by a court or filed or recorded for the purpose of  
3 exercising jurisdiction or representing a claim against a  
4 person or property, or for the purpose of directing a person  
5 to appear before a court or tribunal, or to perform or refrain  
6 from performing a specified act. "Legal process" includes,  
7 but is not limited to, a summons, lien, complaint, warrant,  
8 injunction, writ, notice, pleading, subpoena, or order.

9       (b) The term "person" means an individual, public or  
10 private group incorporated or otherwise, legitimate or  
11 illegitimate legal tribunal or entity, informal organization,  
12 official or unofficial agency or body, or any assemblage of  
13 individuals.

14       (c) The term "public officer" means a public officer  
15 as defined by s. 112.061.

16       (d) The term "public employee" means a public employee  
17 as defined by s. 112.061.

18       (2) Any person who deliberately impersonates or  
19 falsely acts as a public officer or tribunal, public employee  
20 or utility employee, including, but not limited to, marshals,  
21 judges, prosecutors, sheriffs, deputies, court personnel, or  
22 any law enforcement authority in connection with or relating  
23 to any legal process affecting persons and property, or  
24 otherwise takes any action under color of law against persons  
25 or property, commits a felony of the third degree, punishable  
26 as provided in s. 775.082 or s. 775.083.

27       (3) Any person who simulates legal process, including,  
28 but not limited to, actions affecting title to real estate or  
29 personal property, indictments, subpoenas, warrants,  
30 injunctions, liens, orders, judgments, or any legal documents  
31 or proceedings, knowing or having reason to know the contents

1 of any such documents or proceedings or the basis for any  
2 action to be fraudulent, commits a felony of the third degree,  
3 punishable as provided in s. 775.082 or s. 775.083.

4 (4) Any person who falsely under color of law attempts  
5 in any way to influence, intimidate, or hinder a public  
6 officer or law enforcement officer in the discharge of his or  
7 her official duties by means of, but not limited to, threats  
8 of or actual physical abuse or harassment, or through the use  
9 of simulated legal process, commits a felony of the third  
10 degree, punishable as provided in s. 775.082 or s. 775.083.

11 (5)(a) Nothing in this section shall make unlawful any  
12 act of any law enforcement officer or legal tribunal which is  
13 performed under lawful authority.

14 (b) Nothing in this section shall prohibit individuals  
15 from assembling freely to express opinions or designate group  
16 affiliation or association.

17 (c) Nothing in this section shall prohibit or in any  
18 way limit a person's lawful and legitimate access to the  
19 courts or prevent a person from instituting or responding to  
20 legitimate and lawful legal process.

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

Defines the offense of deliberately impersonating or falsely acting as a public officer or tribunal or public employee or utility employee in connection with or relating to legal process, or otherwise taking any action under color of law against persons or property, and provides third degree felony penalties therefor. Defines the offense of simulating legal process with knowledge or reason to know of fraud with respect to a legal document, proceeding, or basis for action, and provides third degree felony penalties therefor. Defines the offense of falsely under color of law attempting to influence, intimidate, or hinder a public officer or law enforcement officer in the discharge of official duties, and provides third degree felony penalties therefor. Provides definitions and applicability.