

By Representative Constantine

1 A bill to be entitled
2 An act relating to battery; creating s.
3 784.041, F.S.; defining the offense of felony
4 battery, and providing penalties therefor;
5 amending s. 921.0012, F.S., relating to
6 sentencing guidelines offense levels; providing
7 for classification of felony battery offenses
8 in the level 6 category of the offense severity
9 ranking chart; providing an effective date.

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

Section 1. Section 784.041, Florida Statutes, is created to read:

784.041 Felony battery.--

(1) A person commits felony battery if he or she:

(a) Actually and intentionally touches or strikes another person against the will of the other; and

(b) Causes great bodily harm, permanent disability, or permanent disfigurement.

(2) A person who commits felony battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (f) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.--

(3) OFFENSE SEVERITY RANKING CHART

1	Florida	Felony	
2	Statute	Degree	Description
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5			(f) LEVEL 6
6	316.027(1)(b)	2nd	Accident involving death, failure
7			to stop; leaving scene.
8	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
9			conviction.
10	775.0875(1)	3rd	Taking firearm from law
11			enforcement officer.
12	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
13			without intent to kill.
14	784.021(1)(b)	3rd	Aggravated assault; intent to
15			commit felony.
16	<u>784.041</u>	<u>3rd</u>	<u>Felony battery.</u>
17	784.048(3)	3rd	Aggravated stalking; credible
18			threat.
19	784.07(2)(c)	2nd	Aggravated assault on law
20			enforcement officer.
21	784.08(2)(b)	2nd	Aggravated assault on a person 65
22			years of age or older.
23	784.081(2)	2nd	Aggravated assault on specified
24			official or employee.
25	784.082(2)	2nd	Aggravated assault by detained
26			person on visitor or other
27			detainee.
28	787.02(2)	3rd	False imprisonment; restraining
29			with purpose other than those in
30			s. 787.01.
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1	790.115(2)(d)	2nd	Discharging firearm or weapon on
2			school property.
3	790.161(2)	2nd	Make, possess, or throw
4			destructive device with intent to
5			do bodily harm or damage
6			property.
7	790.164(1)	2nd	False report of deadly explosive
8			or act of arson or violence to
9			state property.
10	790.19	2nd	Shooting or throwing deadly
11			missiles into dwellings, vessels,
12			or vehicles.
13	794.011(8)(a)	3rd	Solicitation of minor to
14			participate in sexual activity by
15			custodial adult.
16	794.05(1)	2nd	Unlawful sexual activity with
17			specified minor.
18	806.031(2)	2nd	Arson resulting in great bodily
19			harm to firefighter or any other
20			person.
21	810.02(3)(c)	2nd	Burglary of occupied structure;
22			unarmed; no assault or battery.
23	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
24			but less than \$100,000, grand
25			theft in 2nd degree.
26	812.13(2)(c)	2nd	Robbery, no firearm or other
27			weapon (strong-arm robbery).
28	817.034(4)(a)1.	1st	Communications fraud, value
29			greater than \$50,000.
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1	817.4821(5)	2nd	Possess cloning paraphernalia
2			with intent to create cloned
3			cellular telephones.
4	825.102(1)	3rd	Abuse of an elderly person or
5			disabled adult.
6	825.102(3)(c)	3rd	Neglect of an elderly person or
7			disabled adult.
8	825.1025(3)	3rd	Lewd or lascivious molestation of
9			an elderly person or disabled
10			adult.
11	825.103(2)(c)	3rd	Exploiting an elderly person or
12			disabled adult and property is
13			valued at \$100 or more, but less
14			than \$20,000.
15	827.03(1)	3rd	Abuse of a child.
16	827.03(3)(c)	3rd	Neglect of a child.
17	827.071(2)&(3)	2nd	Use or induce a child in a sexual
18			performance, or promote or direct
19			such performance.
20	836.05	2nd	Threats; extortion.
21	836.10	2nd	Written threats to kill or do
22			bodily injury.
23	843.12	3rd	Aids or assists person to escape.
24	914.23	2nd	Retaliation against a witness,
25			victim, or informant, with bodily
26			injury.
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