

By the Committee on Criminal Justice and Senator Gutman

307-1687-98

1 A bill to be entitled
2 An act relating to the offense of trespass;
3 amending s. 810.08, F.S.; providing an enhanced
4 penalty for trespass in a structure or
5 conveyance if the offender commits an assault
6 or battery upon any person in the structure or
7 conveyance; amending s. 921.0022, F.S.;
8 providing for a level-4 rank in the offense
9 severity ranking chart of the Criminal
10 Punishment Code; providing an effective date.

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

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14 Section 1. Section 810.08, Florida Statutes, is
15 amended to read:

16 810.08 Trespass in structure or conveyance.--

17 (1) Whoever, without being authorized, licensed, or
18 invited, willfully enters or remains in any structure or
19 conveyance, or, having been authorized, licensed, or invited,
20 is warned by the owner or lessee of the premises, or by a
21 person authorized by the owner or lessee, to depart and
22 refuses to do so, commits the offense of trespass in a
23 structure or conveyance.

24 (2)(a) Except as otherwise provided in this
25 subsection, trespass in a structure or conveyance is a
26 misdemeanor of the second degree, punishable as provided in s.
27 775.082 or s. 775.083.

28 (b) If there is a human being in the structure or
29 conveyance at the time the offender trespassed, attempted to
30 trespass, or was in the structure or conveyance, the trespass

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1 in a structure or conveyance is a misdemeanor of the first
2 degree, punishable as provided in s. 775.082 or s. 775.083.

3 (c) If the offender is armed with a firearm or other
4 dangerous weapon, ~~or~~ arms himself or herself with such while
5 in the structure or conveyance, or commits an assault or
6 battery upon any person in the structure or conveyance, the
7 trespass in a structure or conveyance is a felony of the third
8 degree, punishable as provided in s. 775.082, s. 775.083, or
9 s. 775.084. Any owner or person authorized by the owner may,
10 for prosecution purposes, take into custody and detain, in a
11 reasonable manner, for a reasonable length of time, any person
12 when he or she reasonably believes that a violation of this
13 paragraph has been or is being committed, and he or she
14 reasonably believes that the person to be taken into custody
15 and detained has committed or is committing such violation.
16 In the event a person is taken into custody, a law enforcement
17 officer shall be called as soon as is practicable after the
18 person has been taken into custody. The taking into custody
19 and detention by such person, if done in compliance with the
20 requirements of this paragraph, shall not render such person
21 criminally or civilly liable for false arrest, false
22 imprisonment, or unlawful detention.

23 Section 2. Paragraph (d) of subsection (3) of section
24 921.0022, Florida Statutes, is amended to read:

25 921.0022 Criminal Punishment Code; offense severity
26 ranking chart.--

27 (3) OFFENSE SEVERITY RANKING CHART

28
29 Florida Felony
30 Statute Degree Description
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2			(d) LEVEL 4
3	316.1935(2)	3rd	Fleeing or attempting to elude
4			law enforcement officer resulting
5			in high-speed pursuit.
6	784.07(2)(b)	3rd	Battery of law enforcement
7			officer, firefighter, intake
8			officer, etc.
9	784.075	3rd	Battery on detention or
10			commitment facility staff.
11	784.08(2)(c)	3rd	Battery on a person 65 years of
12			age or older.
13	784.081(3)	3rd	Battery on specified official or
14			employee.
15	784.082(3)	3rd	Battery by detained person on
16			visitor or other detainee.
17	787.03(1)	3rd	Interference with custody;
18			wrongly takes child from
19			appointed guardian.
20	787.04(2)	3rd	Take, entice, or remove child
21			beyond state limits with criminal
22			intent pending custody
23			proceedings.
24	787.04(3)	3rd	Carrying child beyond state lines
25			with criminal intent to avoid
26			producing child at custody
27			hearing or delivering to
28			designated person.
29	790.115(1)	3rd	Exhibiting firearm or weapon
30			within 1,000 feet of a school.
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1	790.115(2)(b)	3rd	Possessing electric weapon or
2			device, destructive device, or
3			other weapon on school property.
4	790.115(2)(c)	3rd	Possessing firearm on school
5			property.
6	810.02(4)(a)	3rd	Burglary, or attempted burglary,
7			of an unoccupied structure;
8			unarmed; no assault or battery.
9	810.02(4)(b)	3rd	Burglary, or attempted burglary,
10			of an unoccupied conveyance;
11			unarmed; no assault or battery.
12	810.06	3rd	Burglary; possession of tools.
13	810.08(2)(c)	3rd	Trespass on property, armed with
14			firearm or dangerous weapon.
15	<u>810.08(2)(c)</u>	<u>3rd</u>	<u>Trespass on property with assault</u>
16			<u>or battery committed therein.</u>
17	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
18			or more but less than \$20,000.
19	812.014		
20	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
21			firearm, motor vehicle,
22			livestock, etc.
23	817.563(1)	3rd	Sell or deliver substance other
24			than controlled substance agreed
25			upon, excluding s. 893.03(5)
26			drugs.
27	828.125(1)	2nd	Kill, maim, or cause great bodily
28			harm or permanent breeding
29			disability to any registered
30			horse or cattle.
31	837.02(1)	3rd	Perjury in official proceedings.

1	837.021(1)	3rd	Make contradictory statements in
2			official proceedings.
3	843.025	3rd	Deprive law enforcement,
4			correctional, or correctional
5			probation officer of means of
6			protection or communication.
7	843.15(1)(a)	3rd	Failure to appear while on bail
8			for felony (bond estreatment or
9			bond jumping).
10	874.05(1)	3rd	Encouraging or recruiting another
11			to join a criminal street gang.
12	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
13			893.03(1)(a), (b), or (d), or
14			(2)(a) or (b) drugs).
15	914.14(2)	3rd	Witnesses accepting bribes.
16	914.22(1)	3rd	Force, threaten, etc., witness,
17			victim, or informant.
18	914.23(2)	3rd	Retaliation against a witness,
19			victim, or informant, no bodily
20			injury.
21	918.12	3rd	Tampering with jurors.

22 Section 3. This act shall take effect October 1, 1998.

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24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 Senate Bill 786

27 The offense of trespass with an assault or battery would be
28 ranked as a level 4 offense in the offense severity ranking
29 chart of the Criminal Punishment Code and would apply to such
30 offender actions that occur on or after October 1, 1998.
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