

By Representative Johnson

1 A bill to be entitled
2 An act relating to law enforcement officers;
3 creating the Law Enforcement Protection Act of
4 1999; amending s. 776.06, F.S.; revising a
5 definition; defining "less lethal munitions";
6 limiting liability for certain actions;
7 amending s. 784.07, F.S.; specifying a minimum
8 term of imprisonment for certain convictions;
9 providing an 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. Short title.--This act may be cited as the
14 "Law Enforcement Protection Act of 1999."

15 Section 2. Section 776.06, Florida Statutes, is
16 amended to read:

17 776.06 Deadly force.--"Deadly force" means force which
18 is likely to cause death or great bodily harm and includes,
19 but is not limited to:

20 (1) The firing of a firearm in the direction of the
21 person to be arrested, even though no intent exists to kill or
22 inflict great bodily harm; and

23 (2) The firing of a firearm at a vehicle in which the
24 person to be arrested is riding.

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26 The discharge of a firearm, loaded with less lethal munitions
27 and discharged by a law enforcement or corrections officer
28 during and within the scope of his or her official duties
29 shall not be considered deadly force. "Less lethal munitions"
30 means projectiles which are designed to stun, temporarily
31 incapacitate, or cause temporary discomfort to a person

1 without penetrating the person's body. No law enforcement
2 officer, corrections officer, or his or her respective
3 employer shall be held liable, in any civil or criminal
4 action, for using less lethal munitions in good faith during
5 and within his or her official duties.

6 Section 3. Paragraphs (c) and (d) of subsection (2) of
7 section 784.07, Florida Statutes, 1998 Supplement, are amended
8 to read:

9 784.07 Assault or battery of law enforcement officers,
10 firefighters, emergency medical care providers, public transit
11 employees or agents, or other specified officers;
12 reclassification of offenses; minimum sentences.--

13 (2) Whenever any person is charged with knowingly
14 committing an assault or battery upon a law enforcement
15 officer, a firefighter, an emergency medical care provider, a
16 traffic accident investigation officer as described in s.
17 316.640, a traffic infraction enforcement officer as described
18 in s. 318.141, a parking enforcement specialist as defined in
19 s. 316.640, or a security officer employed by the board of
20 trustees of a community college, while the officer,
21 firefighter, emergency medical care provider, intake officer,
22 traffic accident investigation officer, traffic infraction
23 enforcement officer, parking enforcement specialist, public
24 transit employee or agent, or security officer is engaged in
25 the lawful performance of his or her duties, the offense for
26 which the person is charged shall be reclassified as follows:

27 (c) In the case of aggravated assault, from a felony
28 of the third degree to a felony of the second degree.
29 Notwithstanding any other provision of law, any person
30 convicted of aggravated assault upon a law enforcement officer
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1 shall be sentenced to a minimum term of imprisonment of 3
2 years and shall serve 100 percent of the sentence.

3 (d) In the case of aggravated battery, from a felony
4 of the second degree to a felony of the first degree.

5 Notwithstanding any other provision of law, any person
6 convicted of aggravated battery of a law enforcement officer
7 shall be sentenced to a minimum term of imprisonment of 5
8 years and shall serve 100 percent of the sentence.

9 Section 4. This act shall take effect October 1, 1999.

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HOUSE SUMMARY

Creates the Law Enforcement Protection Act of 1999.
Excludes from the definition of deadly force specified
actions by a law enforcement officer. Defines the term
"less lethal munitions" and provides limited liability
for the use of such munitions by law enforcement or
corrections officers. Specifies minimum terms of
imprisonment for convictions of aggravated assault and
aggravated battery of a law enforcement officer. See bill
for details.