

By Senator Dawson-White

30-1279-99

See HB 459

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A bill to be entitled

An act relating to hate crimes; amending s. 775.085, F.S.; including gender within a list of prejudices considered to be an element of a hate crime; providing an effective date.

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

Section 1. Subsection (1) of section 775.085, Florida Statutes, 1998 Supplement, is amended to read:

775.085 Evidencing prejudice while committing offense; enhanced penalties.--

(1)(a) The penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, gender, or advanced age of the victim:

1. A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree.
2. A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree.
3. A felony of the third degree shall be punishable as if it were a felony of the second degree.
4. A felony of the second degree shall be punishable as if it were a felony of the first degree.
5. A felony of the first degree shall be punishable as if it were a life felony.

(b) As used in paragraph (a), the term:

1. "Mental or physical disability" means that the victim suffers from a condition of physical or mental

1 incapacitation due to a developmental disability, organic
2 brain damage, or mental illness, and has one or more physical
3 or mental limitations that restrict the victim's ability to
4 perform the normal activities of daily living.

5 2. "Advanced age" means that the victim is older than
6 65 years of age.

7 Section 2. This act shall take effect July 1, 1999.

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HOUSE SUMMARY

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Provides that a crime based upon the gender of the victim shall be considered a hate crime and shall result in an enhanced penalty.

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