

Bill No. SB 160  
Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senators Meek and Hargrett moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 1, between lines 29 and 30,		
15			
16	insert:		
17	Section 2. Subsection (4) of section 741.31, Florida		
18	Statutes, 1998 Supplement, is amended to read:		
19	741.31 Violation of an injunction for protection		
20	against domestic violence.--		
21	(4)(a) A person who willfully violates an injunction		
22	for protection against domestic violence issued pursuant to s.		
23	741.30, or a foreign protection order accorded full faith and		
24	credit pursuant to s. 741.315, by:		
25	1. Refusing to vacate the dwelling that the parties		
26	share;		
27	2. Going to the petitioner's residence, school, place		
28	of employment, or a specified place frequented regularly by		
29	the petitioner and any named family or household member;		
30	3. Committing an act of domestic violence against the		
31	petitioner;		

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1           4. Committing any other violation of the injunction  
2 through an intentional unlawful threat, word, or act to do  
3 violence to the petitioner; or

4           5. Telephoning, contacting, or otherwise communicating  
5 with the petitioner directly or indirectly, unless the  
6 injunction specifically allows indirect contact through a  
7 third party

8  
9 commits a misdemeanor of the first degree, punishable as  
10 provided in s. 775.082 or s. 775.083.

11           (b)1. It is a violation of s. 790.233, and a  
12 misdemeanor of the first degree, punishable as provided in s.  
13 775.082 or s. 775.083, for a person to violate a final  
14 injunction for protection against domestic violence by having  
15 in his or her care, custody, possession, or control any  
16 firearm or ammunition.

17           2. It is the intent of the Legislature that the  
18 disabilities regarding possession of firearms and ammunition  
19 are consistent with federal law. Accordingly, this paragraph  
20 shall not apply to a state or local officer as defined in s.  
21 943.10(14), holding an active certification, who receives or  
22 possesses a firearm or ammunition for use in performing  
23 official duties on behalf of the officer's employing agency,  
24 unless otherwise prohibited by the employing agency.

25           (c) It is a misdemeanor of the first degree for any  
26 person subject to a final injunction for protection against  
27 domestic violence to refuse to surrender any firearm or  
28 ammunition in his or her care, custody, possession, or  
29 control, or to interfere with or obstruct a law enforcement  
30 officer enforcing the provisions of paragraph (b).

31           Section 3. Section 787.04, Florida Statutes, is

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1 amended to read:

2           787.04 Removing minors from state or concealing minors  
3 contrary to state agency order or court order.--

4           (1) It is unlawful for any person, in violation of a  
5 court order, to lead, take, entice, or remove a minor beyond  
6 the limits of this state, or to conceal the location of a  
7 minor, with personal knowledge of the order.

8           (2) It is unlawful for any person, with criminal  
9 intent, to lead, take, entice, or remove a minor beyond the  
10 limits of this state, or to conceal the location of a minor,  
11 during the pendency of any action or proceeding affecting  
12 custody of the minor, after having received notice as required  
13 by law of the pendency of the action or proceeding, without  
14 the permission of the court in which the action or proceeding  
15 is pending.

16           (3) It is unlawful for any person, with criminal  
17 intent, to lead, take, entice, or remove a minor beyond the  
18 limits of this state, or to conceal the location of a minor,  
19 during the pendency of a dependency proceeding affecting such  
20 minor or during the pendency of any investigation, action, or  
21 proceeding concerning the alleged abuse or neglect of such  
22 minor, after having received notice of the pendency of such  
23 investigation, action, or proceeding and without the  
24 permission of the state agency or court in which the  
25 investigation, action, or proceeding is pending.

26           (4) It is unlawful for any noncustodial parent or  
27 respondent subject to an injunction for protection against  
28 domestic violence with personal knowledge of the injunction to  
29 lead, take, entice, or remove a minor from the custodial  
30 parent or any child care provider or other person entrusted by  
31 the custodial parent with the care of the minor, or to conceal

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1 the location of the minor in violation of the injunction.

2 (5)~~(4)~~ It is unlawful for any person, who has carried  
3 beyond the limits of this state any minor whose custody is  
4 involved in any action or proceeding pending in this state  
5 pursuant to the order of the court in which the action or  
6 proceeding is pending or pursuant to the permission of the  
7 court, thereafter, to fail to produce the minor in the court  
8 or deliver the minor to the person designated by the court.

9 (6)~~(5)~~ It is a defense under this section that a  
10 person who leads, takes, entices, or removes a minor beyond  
11 the limits of the state reasonably believes that his or her  
12 action was necessary to protect the minor from child abuse as  
13 defined in s. 827.03.

14 (7)~~(6)~~ Any person who violates this section is guilty  
15 of a felony of the third degree, punishable as provided in s.  
16 775.082, s. 775.083, or s. 775.084.

17 Section 4. For the purpose of incorporating the  
18 amendment to section 741.31, Florida Statutes, 1998  
19 Supplement, in references thereto, subsection (6) of section  
20 901.15, Florida Statutes, 1998 Supplement, is reenacted to  
21 read:

22 901.15 When arrest by officer without warrant is  
23 lawful.--A law enforcement officer may arrest a person without  
24 a warrant when:

25 (6) There is probable cause to believe that the person  
26 has committed a criminal act according to s. 790.233 or  
27 according to s. 741.31 or s. 784.047 which violates an  
28 injunction for protection entered pursuant to s. 741.30 or s.  
29 784.046, or a foreign protection order accorded full faith and  
30 credit pursuant to s. 741.315, over the objection of the  
31 petitioner, if necessary.

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(Redesignate subsequent sections.)

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, line 7, after the semicolon,

insert:

amending s. 741.31, F.S.; providing that it is unlawful for a person subject to an injunction for protection against domestic violence to refuse to surrender any firearm or ammunition in his or her custody, or to interfere with or obstruct a law enforcement officer enforcing the injunction; providing a penalty; amending s. 787.04, F.S.; providing that it is unlawful for any noncustodial parent or respondent subject to an injunction for protection against domestic violence to lead, take, entice, or remove a minor from the custodial parent or any child care provider or other person entrusted by the custodial parent with the care of the minor or to conceal the location of the minor, in violation of the injunction; providing a penalty; reenacting s. 901.15(6), F.S., relating to when an arrest is made by a law enforcement officer without a warrant, to incorporate the amendment in a reference;