

By Senator Mitchell

4-520A-99

1 A bill to be entitled
2 An act relating to offenses committed against
3 minors; amending s. 827.03, F.S.; providing
4 that the offense of child abuse includes any
5 act of domestic violence committed by a
6 caregiver in the presence of a minor child;
7 creating s. 827.035, F.S.; requiring that a
8 parent, guardian, or caregiver be sentenced to
9 death or life imprisonment for committing an
10 act of physical abuse against a minor child of
11 the parent, guardian, or caregiver which
12 results in the child's death; providing an
13 effective date.

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

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17 Section 1. Subsection (1) of section 827.03, Florida
18 Statutes, is amended to read:

19 827.03 Abuse, aggravated abuse, and neglect of a
20 child; penalties.--

21 (1) "Child abuse" means:

22 (a) Intentional infliction of physical or mental
23 injury upon a child;

24 **(b) Any act of domestic violence, as defined in s.**
25 **25.385, which is committed by a caregiver in the presence of a**
26 **child;**

27 ~~(c)~~ ~~(b)~~ An intentional act that could reasonably be
28 expected to result in physical or mental injury to a child; or

29 ~~(d)~~ ~~(c)~~ Active encouragement of any person to commit an
30 act that results or could reasonably be expected to result in
31 physical or mental injury to a child.

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A person who knowingly or willfully abuses a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Section 827.035, Florida Statutes, is created to read:

827.035 Death of a child resulting from physical abuse.--Notwithstanding any other law, if a child dies as a direct result of any act of physical abuse committed against the child by the child's parent, legal guardian, or caregiver, the parent, legal guardian, or caregiver shall be sentenced to death or life imprisonment.

Section 3. This act shall take effect October 1, 1999.

SENATE SUMMARY

Provides that the offense of child abuse includes an act of domestic violence if the act is committed in the presence of a minor child. Requires that a parent, legal guardian, or caregiver be sentenced to death or life imprisonment if the parent, legal guardian, or caregiver commits an act of physical abuse against a minor child and the child dies as a direct result of the physical abuse.