

Bill No. CS for SB 912

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Dawson-White moved the following amendment:

**Senate Amendment (with title amendment)**

On page 3, between lines 2 and 3,

insert:

Section 3. 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

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1 if it were a felony of the second degree.

2 4. A felony of the second degree shall be punishable  
3 as if it were a felony of the first degree.

4 5. A felony of the first degree shall be punishable as  
5 if it were a life felony.

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

7 1. "Mental or physical disability" means that the  
8 victim suffers from a condition of physical or mental  
9 incapacitation due to a developmental disability, organic  
10 brain damage, or mental illness, and has one or more physical  
11 or mental limitations that restrict the victim's ability to  
12 perform the normal activities of daily living.

13 2. "Advanced age" means that the victim is older than  
14 65 years of age.

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

18 And the title is amended as follows:

19 On page 1, line 6, after the semicolon

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21 insert:

22 amending s. 775.085, F.S.; including gender  
23 within a list of prejudices considered to be an  
24 element of a hate crime;

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