

By Senator Latvala

19-617B-99

See HB

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to sexual battery; amending s.
775.085, F.S.; reclassifying penalties relating
to offenses evidencing prejudice; amending s.
794.023, F.S.; reclassifying offenses involving
multiple perpetrators of sexual battery;
providing an effective date.

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

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

775.085 Evidencing prejudice while committing offense;
reclassification ~~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, or advanced age of the victim:

1. A misdemeanor of the second degree is reclassified
~~to shall be punishable as if it were~~ a misdemeanor of the
first degree.

2. A misdemeanor of the first degree is reclassified
~~to shall be punishable as if it were~~ a felony of the third
degree.

3. A felony of the third degree is reclassified to
~~shall be punishable as if it were~~ a felony of the second
degree.

1 4. A felony of the second degree is reclassified to
2 ~~shall be punishable as if it were~~ a felony of the first
3 degree.

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

6 Section 2. Section 794.023, Florida Statutes, is
7 amended to read:

8 794.023 Sexual battery by multiple perpetrators;
9 reclassification of offenses ~~enhanced penalties~~.--

10 (1) The Legislature finds that an act of sexual
11 battery, when committed by more than one person, presents a
12 great danger to the public and is extremely offensive to
13 civilized society. It is therefore the intent of the
14 Legislature to reclassify offenses ~~provide enhanced penalties~~
15 for acts of sexual battery committed by more than one person.

16 (2) ~~The penalty for~~ A violation of s. 794.011 shall be
17 reclassified ~~increased~~ as provided in this subsection if it is
18 charged and proven by the prosecution that, during the same
19 criminal transaction or episode, more than one person
20 committed an act of sexual battery on the same victim.

21 (a) A felony of the second degree is reclassified to
22 ~~shall be punishable as if it were~~ a felony of the first
23 degree.

24 (b) A felony of the first degree is reclassified to
25 ~~shall be punishable as if it were~~ a life felony.

26
27 This subsection does not apply to life felonies or capital
28 felonies. For purposes of sentencing under chapter 921 and
29 determining incentive gain-time eligibility under chapter 944,
30 a felony offense which is reclassified under this subsection
31

1 is ranked one level above the ranking under s. 921.0022 or s.
2 921.0023 ~~s. 921.0012~~ or ~~s. 921.0013~~ of the offense committed.

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

4

5

6

LEGISLATIVE SUMMARY

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

Reclassifies penalties for commissions of felonies or misdemeanors evidencing prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim and for commissions of sexual battery involving multiple perpetrators. (See bill for details.)