

By the Committee on Criminal Justice and Senator Latvala

307-1758-99

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A bill to be entitled  
An act relating to sentencing; 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.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 Senate Bill 912

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8 Changes the subject matter description in the title of the  
9 bill from "an Act relating to sexual battery" to "an Act  
relating to sentencing."

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