

By Senator Dawson

30-62-00

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A bill to be entitled
An act relating to hate crimes; amending s.
775.085, F.S.; including gender within a list
of prejudices considered to be an element of a
hate crime; providing an effective date.

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

Section 1. Subsection (1) of section 775.085, Florida
Statutes, is amended to read:

775.085 Evidencing prejudice while committing offense;
reclassification.--

(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 is reclassified
to a misdemeanor of the first degree.

2. A misdemeanor of the first degree is reclassified
to a felony of the third degree.

3. A felony of the third degree is reclassified to a
felony of the second degree.

4. A felony of the second degree is reclassified to a
felony of the first degree.

5. A felony of the first degree is reclassified to a
life felony.

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

1. "Mental or physical disability" means that the
victim suffers from a condition of physical or mental

1 incapacitation due to a developmental disability, organic
2 brain damage, or mental illness, and has one or more physical
3 or mental limitations that restrict the victim's ability to
4 perform the normal activities of daily living.

5 2. "Advanced age" means that the victim is older than
6 65 years of age.

7 Section 2. This act shall take effect July 1, 2000.

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SENATE SUMMARY

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Provides that a crime based upon the gender of the victim
12 is a hate crime and results in an enhanced penalty.

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