

STORAGE NAME: h0907a.cpcs.doc
DATE: February 12, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIME PREVENTION CORRECTIONS & SAFETY
ANALYSIS**

BILL #: HB 907
RELATING TO: Assault or Battery/Specified Officials
SPONSOR(S): Representative Kendrick
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CRIME PREVENTION CORRECTIONS & SAFETY YEAS 9 NAYS 0
 - (2) HEALTHY COMMUNITIES COUNCIL
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

Section 784.081, F.S. provides for enhanced penalties for assault or battery on "specified officials or employees." The bill expands the definition to include people who are "officiating an interscholastic activity."

An amendment was adopted by the Crime Prevention, Corrections and Safety committee replacing the term "officiating an interscholastic activity" with "an interscholastic sports official" as defined in section 440.02 (14)(d)11., F.S.

This bill has an effective date of July 1, 2002.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

This bill adds persons who are "officiating an interscholastic activity" to the list of specified officials who, if assaulted or battered, would trigger an enhanced penalty for the person convicted of such offense.

B. PRESENT SITUATION:

Section 784.081 provides for enhanced maximum penalties for assault, aggravated assault, battery or aggravated battery committed against "specified officials or employees." Included within this definition are the following:

- Any elected official or employee of:
 - a school district,
 - a private school,
 - the Florida School for the Deaf and the Blind,
 - a university developmental research school,
 - a state university, or
 - any other entity of the state system of public education, as defined in § 228.041;
- An employee or protective investigator of the Department of Children and Family Services or an employee of a lead community-based provider and its direct service contract providers.

The enhanced penalties apply when the offender knew or had reason to know the status of the victim.

The definitions of assault, battery, aggravated assault and aggravated battery are as follows:

An assault is an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent. § 784.011, F.S.

An aggravated assault is an assault with a deadly weapon without intent to kill or with an intent to commit a felony. § 784.021, F.S.

A battery occurs when a person in actually or intentionally touches or strikes another person against the will of the other or intentionally causes bodily harm to another person. § 784.03, F.S.

An aggravated battery occurs when a person in committing battery intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or uses a deadly

weapon. Or, if the person who was the victim of the battery was pregnant at the time of the offense and the offender knew or should have known that the victim was pregnant. § 784.045, F.S.

C. EFFECT OF PROPOSED CHANGES:

Under the bill, assault or battery offenses committed against a person officiating an interscholastic activity will be reclassified as follows:

- In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.
- In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.
- In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.
- In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

D. SECTION-BY-SECTION ANALYSIS:

See analysis in Section C. above.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

The Criminal Justice Impact Estimating Conference has not met to consider the prison bed impact of this bill on the Department of Corrections. The bill reclassifies the offense of battery, assault, aggravated battery and aggravated assault committed against a person officiating an interscholastic activity. As such, the offenses will have a higher statutory maximum sentence. However, the offenses of aggravated battery and aggravated assault on a specified official are ranked in the same level in the offense severity ranking chart of the Criminal Punishment Code as the corresponding offenses committed against a victim who is not a member of the protected class. Therefore, the bill will not increase the minimum sentence for these aggravated offenses. As a result, it is expected that the bill will have an insignificant prison bed impact on the Department of Corrections.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill is exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The bill does not define the term(s) "person officiating an interscholastic activity" and as such the scope of persons intended to be specified is not clear. A relevant definition of that term is also not contained elsewhere in Florida Statutes or in case law.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

An amendment was adopted by the Crime Prevention, Corrections and Safety committee replacing the term "officiating an interscholastic activity" with "an interscholastic sports official" as defined in § 440.02 (14)(d)11., F.S.

STORAGE NAME: h0907a.cpcs.doc

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PAGE: 5

VII. SIGNATURES:

COMMITTEE ON CRIME PREVENTION CORRECTIONS & SAFETY:

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