



HB 1287

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1 A bill to be entitled

2 An act relating to criminal offenses; creating s.
3 775.0847, F.S.; providing for the reclassification of
4 felonies committed against the elderly or disabled;
5 amending s. 784.08, F.S.; providing for the
6 reclassification of misdemeanors committed against persons
7 65 years of age or older; amending s. 812.0145, F.S.;
8 providing for a mandatory term of imprisonment for certain
9 thefts against persons 65 years of age or older; amending
10 s. 825.103, F.S.; providing for a mandatory term of
11 imprisonment for certain acts of exploitation against an
12 elderly person or disabled adult; providing an effective
13 date.

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

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17 Section 1. This act may be cited as "The Seniors' Safety
18 Act of 2003."

19 Section 2. Section 775.0847, Florida Statutes, is created
20 to read:

21 775.0847 Felonies committed against the elderly or
22 disabled; reclassification of offenses.--Whenever a person is
23 charged with committing a felony offense upon a person 65 years
24 of age or older or an elderly person or disabled adult as
25 defined in chapter 825, regardless of whether he or she knows or
26 has reason to know the age, infirmity, or disability of the
27 victim, the offense for which the person is charged shall be
28 reclassified as follows:

29 (1) In the case of a felony of the third degree, the
30 offense is reclassified to a felony of the second degree.



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31 (2) In the case of a felony of the second degree, the
 32 offense is reclassified to a felony of the first degree.

33 (3) In the case of a felony of the first degree, the
 34 offense is reclassified to a felony of the first degree,
 35 punishable by life imprisonment.

36 Section 3. Subsection (2) of section 784.08, Florida
 37 Statutes, is amended to read:

38 784.08 Assault or battery on persons 65 years of age or
 39 older; reclassification of offenses; minimum sentence.--

40 (2) Whenever a person is charged with committing an
 41 assault ~~or aggravated assault~~ or a battery ~~or aggravated battery~~
 42 upon a person 65 years of age or older, regardless of whether he
 43 or she knows or has reason to know the age of the victim, the
 44 offense for which the person is charged shall be reclassified as
 45 follows:

46 ~~(a) In the case of aggravated battery, from a felony of~~
 47 ~~the second degree to a felony of the first degree.~~

48 ~~(b) In the case of aggravated assault, from a felony of~~
 49 ~~the third degree to a felony of the second degree.~~

50 (a)(e) In the case of battery, from a misdemeanor of the
 51 first degree to a felony of the third degree.

52 (b)(d) In the case of assault, from a misdemeanor of the
 53 second degree to a misdemeanor of the first degree.

54 Section 4. Subsection (2) of section 812.0145, Florida
 55 Statutes, is amended to read:

56 812.0145 Theft from persons 65 years of age or older;
 57 reclassification of offenses.--

58 (2) Notwithstanding any other provision of law, if the
 59 funds, assets, or property involved in a theft from a person 65
 60 years of age or older is valued at \$10,000 or more, the court



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61 must sentence the offender to a mandatory minimum sentence of 3
62 years' imprisonment. However, the mandatory term of
63 imprisonment does not apply to the theft of one or more motor
64 vehicles, regardless of associated value. ~~Whenever a person is~~
65 ~~charged with committing theft from a person 65 years of age or~~
66 ~~older, when he or she knows or has reason to believe that the~~
67 ~~victim was 65 years of age or older, the offense for which the~~
68 ~~person is charged shall be reclassified as follows:~~

69 (a) This subsection does not prevent a court from imposing
70 a greater sentence of incarceration as authorized by law. ~~If the~~
71 ~~funds, assets, or property involved in the theft from a person~~
72 ~~65 years of age or older is valued at \$50,000 or more, the~~
73 ~~offender commits a felony of the first degree, punishable as~~
74 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

75 (b) If the minimum mandatory terms of imprisonment imposed
76 pursuant to this section exceed the maximum sentences authorized
77 by s. 775.082, s. 775.084, or the Criminal Punishment Code under
78 chapter 921, the mandatory minimum sentence must be imposed. If
79 the mandatory minimum terms of imprisonment pursuant to this
80 section are less than the sentences that could be imposed as
81 authorized by s. 775.082, s. 775.084, or the Criminal Punishment
82 Code under chapter 921, the sentence imposed by the court must
83 include the mandatory minimum term of imprisonment as required
84 in this section. ~~If the funds, assets, or property involved in~~
85 ~~the theft from a person 65 years of age or older is valued at~~
86 ~~\$10,000 or more, but less than \$50,000, the offender commits a~~
87 ~~felony of the second degree, punishable as provided in s.~~
88 ~~775.082, s. 775.083, or s. 775.084.~~

89 (c) ~~If the funds, assets, or property involved in the~~
90 ~~theft from a person 65 years of age or older is valued at \$300~~



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91 ~~or more, but less than \$10,000, the offender commits a felony of~~
 92 ~~the third degree, punishable as provided in s. 775.082, s.~~
 93 ~~775.083, or s. 775.084.~~

94 Section 5. Subsections (3) and (4) are added to section
 95 825.103, Florida Statutes, to read:

96 825.103 Exploitation of an elderly person or disabled
 97 adult; penalties.--

98 (3) Notwithstanding any other provision of law, if the
 99 funds, assets, or property involved in the exploitation of an
 100 elderly person or a disabled adult is valued at \$10,000 or more,
 101 the court must sentence the offender to a mandatory minimum
 102 sentence of 3 years' imprisonment.

103 (4) Nothing in this subsection prevents a court from
 104 imposing a greater sentence of incarceration as authorized by
 105 law. If the minimum mandatory terms of imprisonment imposed
 106 pursuant to this section exceed the maximum sentences authorized
 107 by s. 775.082, s. 775.084, or the Criminal Punishment Code under
 108 chapter 921, the mandatory minimum sentence must be imposed. If
 109 the mandatory minimum terms of imprisonment pursuant to this
 110 section are less than the sentences that could be imposed as
 111 authorized by s. 775.082, s. 775.084, or the Criminal Punishment
 112 Code under chapter 921, the sentence imposed by the court must
 113 include the mandatory minimum term of imprisonment as required
 114 in this section.

115 Section 6. This act shall take effect July 1, 2003.