

HB 1243

2004

A bill to be entitled

An act relating to protection of victims of sexual battery and lewd or lascivious offenses; creating s. 921.244, F.S.; requiring the court to prohibit certain offenders from having direct or indirect contact with their victims; authorizing the court to reconsider orders prohibiting such contact in certain circumstances; providing for an evidentiary hearing that includes psychiatric testimony; providing that it is a felony of the third degree to violate such order; providing penalties; amending s. 784.048, F.S.; providing that it is a felony of the third degree to willfully, maliciously, and repeatedly follow, harass, or cyberstalk the victim in violation of such order; providing penalties; providing applicability; providing an effective date.

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

Section 1. Section 921.244, Florida Statutes, is created to read:

921.244 Order of no contact; penalties.--

(1) At the time of sentencing an offender for a violation of s. 794.011 or s. 800.04, the court shall order that the offender be prohibited from having any contact with the victim, directly or indirectly, including through a third person, for the duration of the sentence imposed. The court may reconsider such order upon the request of the victim if such request is made at any time after the victim has attained 18 years of age. In considering such request, the court shall conduct an

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30 evidentiary hearing to determine whether a change of  
31 circumstances has occurred that warrants a change in the court  
32 order prohibiting contact and whether it is in the best interest  
33 of the victim that the court order be modified or rescinded.  
34 Such evidentiary hearing shall include psychiatric testimony to  
35 determine whether the victim has overcome any psychological  
36 control or other control exercised over the victim by the  
37 offender.

38 (2) Any offender who violates a court order issued  
39 pursuant to this section commits a felony of the third degree,  
40 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

41 Section 2. Subsection (7) is added to section 784.048,  
42 Florida Statutes, to read:

43 784.048 Stalking; definitions; penalties.--

44 (7) Any person who, after having been sentenced for a  
45 violation of section 794.011 or s. 800.04, and prohibited from  
46 contacting the victim of the offense pursuant to s. 921.244,  
47 willfully, maliciously, and repeatedly follows, harasses, or  
48 cyberstalks such victim commits the offense of aggravated  
49 stalking, a felony of the third degree, punishable as provided  
50 in s. 775.082, s. 775.083, or s. 775.084.

51 Section 3. This act shall take effect on July 1, 2004, and  
52 shall apply to offenses committed on or after that date.