

By Senator Crist

12-318-04

1                                   A bill to be entitled  
2           An act relating to assault and battery;  
3           creating s. 784.072, F.S.; providing enhanced  
4           penalties for the offenses of assault, battery,  
5           aggravated assault, or aggravated battery on a  
6           security officer licensed by the Department of  
7           Agriculture and Consumer Services or on an  
8           investigator employed by the Bureau of  
9           Regulation and Enforcement of the Department of  
10          Agriculture and Consumer Services; providing  
11          definitions; specifying minimum terms of  
12          imprisonment; providing that a person convicted  
13          of a violation under the act may not have  
14          adjudication of guilt or imposition of sentence  
15          suspended or withheld; providing that such  
16          person is ineligible for early release, except  
17          under certain circumstances; amending s.  
18          784.081, F.S.; increasing penalties for an  
19          assault or battery committed against an  
20          employee of a municipal or county parks or  
21          recreation department; providing an effective  
22          date.

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24 Be It Enacted by the Legislature of the State of Florida:  
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26           Section 1. Section 784.072, Florida Statutes, is  
27          created to read:  
28           784.072 Assault or battery of a security officer or  
29          investigator licensed or employed by the Department of  
30          Agriculture and Consumer Services or licensed under chapter  
31          493; reclassification of offenses; minimum sentences.--

1           (1) Whenever any person is charged with knowingly  
2 committing an assault or battery upon a security officer, as  
3 defined in s. 493.6101, who is licensed under chapter 493, or  
4 upon an investigator employed by the Bureau of Regulation and  
5 Enforcement of the Division of Licensing within the Department  
6 of Agriculture and Consumer Services, while the officer or  
7 investigator is engaged in the lawful performance of his or  
8 her duties, the offense for which the person is charged shall  
9 be reclassified as follows:

10           (a) In the case of assault, from a misdemeanor of the  
11 second degree to a misdemeanor of the first degree.

12           (b) In the case of battery, from a misdemeanor of the  
13 first degree to a felony of the third degree.

14           (c) In the case of aggravated assault, from a felony  
15 of the third degree to a felony of the second degree.  
16 Notwithstanding any other law, any person convicted of  
17 aggravated assault under this section shall be sentenced to a  
18 minimum term of imprisonment of 3 years.

19           (d) In the case of aggravated battery, from a felony  
20 of the second degree to a felony of the first degree.  
21 Notwithstanding any other law, any person convicted of  
22 aggravated battery under this section shall be sentenced to a  
23 minimum term of imprisonment of 5 years.

24           (3) Any person who is convicted of a battery under  
25 paragraph (1)(b) and, during the commission of the offense,  
26 had in his or her possession:

27           (a) A "firearm" or "destructive device" as those terms  
28 are defined in s. 790.001, shall be sentenced to a minimum  
29 term of imprisonment of 3 years.

30           (b) A semiautomatic firearm and its high-capacity  
31 detachable box magazine, as defined in s. 775.087(3), or a

1 machine gun as defined in s. 790.001, shall be sentenced to a  
2 minimum term of imprisonment of 8 years.

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4 Notwithstanding s. 948.01, adjudication of guilt or imposition  
5 of sentence may not be suspended, deferred, or withheld, and  
6 the defendant is ineligible for statutory gain-time under s.  
7 944.275 or any form of discretionary early release, other than  
8 pardon, executive clemency, or conditional medical release  
9 under s. 947.149, prior to serving the minimum sentence.

10 Section 2. Section 784.081, Florida Statutes, is  
11 amended to read:

12 784.081 Assault or battery on specified officials or  
13 employees; reclassification of offenses.--Whenever a person is  
14 charged with committing an assault or aggravated assault or a  
15 battery or aggravated battery upon any elected official or  
16 employee of: a school district; a private school; the Florida  
17 School for the Deaf and the Blind; a university developmental  
18 research school; a state university or any other entity of the  
19 state system of public education, as defined in s. 1000.04; a  
20 municipal or county parks or recreation department;an  
21 employee or protective investigator of the Department of  
22 Children and Family Services; or an employee of a lead  
23 community-based provider and its direct service contract  
24 providers, when the person committing the offense knows or has  
25 reason to know the identity or position or employment of the  
26 victim, the offense for which the person is charged shall be  
27 reclassified as follows:

28 (1) In the case of aggravated battery, from a felony  
29 of the second degree to a felony of the first degree.

30 (2) In the case of aggravated assault, from a felony  
31 of the third degree to a felony of the second degree.

1 (3) In the case of battery, from a misdemeanor of the  
2 first degree to a felony of the third degree.

3 (4) In the case of assault, from a misdemeanor of the  
4 second degree to a misdemeanor of the first degree.

5 Section 3. This act shall take effect October 1, 2004.  
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8 SENATE SUMMARY

9 Provides enhanced sanctions for an assault, battery,  
10 aggravated assault, or aggravated battery that is  
11 committed against a security officer who is licensed by  
12 the Department of Agriculture and Consumer Services or  
13 against an investigator employed by the Bureau of  
14 Regulation and Enforcement of the Department of  
15 Agriculture and Consumer Services. Requires that a person  
16 convicted of violating the act be sentenced to certain  
17 minimum terms of imprisonment. Provides additional  
18 minimum terms of imprisonment if a person convicted under  
19 the act possessed a firearm or other destructive device  
20 while committing the offense. Prohibits the court from  
21 suspending or withholding adjudication of guilt or  
22 imposition of sentence. Provides for the reclassification  
23 of the offense when an assault or battery is committed  
24 against an employee of a municipal or county parks or  
25 recreation department. (See bill for details.)  
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