

By Senator Fasano

11-123-04

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A bill to be entitled
An act relating to criminal offenses; providing
a short title; creating s. 775.0847; providing
for the reclassification of felonies committed
against the elderly or disabled; amending s.
784.08; providing for the reclassification of
misdemeanors committed against persons 65 years
of age or older; amending s. 812.0145;
providing for a mandatory term of imprisonment
for certain thefts against persons 65 years of
age or older; amending s. 825.103; providing
for a mandatory term of imprisonment for
certain acts of exploitation against an elderly
person or disabled adult; providing an
effective date.

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

Section 1. This act may be cited as "The Seniors'
Safety Act."

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

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

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

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

5 (3) In the case of a felony of the first degree, the
6 offense is reclassified to a felony of the first degree,
7 punishable by life imprisonment.

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

10 784.08 Assault or battery on persons 65 years of age
11 or older; reclassification of offenses; minimum sentence.--

12 (2) Whenever a person is charged with committing an
13 assault ~~or aggravated assault~~ or a battery ~~or aggravated~~
14 ~~battery~~ upon a person 65 years of age or older, regardless of
15 whether he or she knows or has reason to know the age of the
16 victim, the offense for which the person is charged shall be
17 reclassified as follows:

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

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

22 (a)(c) In the case of battery, from a misdemeanor of
23 the first degree to a felony of the third degree.

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

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

28 812.0145 Theft from persons 65 years of age or older;
29 reclassification of offenses.--

30 (2) Notwithstanding any other provision of law, if the
31 funds, assets, or property involved in a theft from a person

1 65 years of age or older is valued at \$10,000 or more, the
2 court shall sentence the offender to a mandatory minimum
3 sentence of 3 years imprisonment. However, the mandatory term
4 of imprisonment does not apply to the theft of one or more
5 motor vehicles, regardless of associated value.~~Whenever a~~
6 ~~person is charged with committing theft from a person 65 years~~
7 ~~of age or older, when he or she knows or has reason to believe~~
8 ~~that the victim was 65 years of age or older, the offense for~~
9 ~~which the person is charged shall be reclassified as follows:~~
10 (a) This subsection does not prevent a court from
11 imposing a greater sentence of incarceration as authorized by
12 law.~~If the funds, assets, or property involved in the theft~~
13 ~~from a person 65 years of age or older is valued at \$50,000 or~~
14 ~~more, the offender commits a felony of the first degree,~~
15 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
16 ~~775.084.~~
17 (b) If the minimum mandatory terms of imprisonment
18 imposed under this section exceed the maximum sentences
19 authorized by s. 775.082, s. 775.084, or the Criminal
20 Punishment Code under chapter 921, the mandatory minimum
21 sentence must be imposed. If the mandatory minimum terms of
22 imprisonment under this section are less than the sentences
23 that could be imposed as authorized by s. 775.082, s. 775.084,
24 or the Criminal Punishment Code under chapter 921, the
25 sentence imposed by the court must include the mandatory
26 minimum term of imprisonment as required in this section. ~~If~~
27 ~~the funds, assets, or property involved in the theft from a~~
28 ~~person 65 years of age or older is valued at \$10,000 or more,~~
29 ~~but less than \$50,000, the offender commits a felony of the~~
30 ~~second degree, punishable as provided in s. 775.082, s.~~
31 ~~775.083, or s. 775.084.~~

1 ~~(c) If the funds, assets, or property involved in the~~
2 ~~theft from a person 65 years of age or older is valued at \$300~~
3 ~~or more, but less than \$10,000, the offender commits a felony~~
4 ~~of the third degree, punishable as provided in s. 775.082, s.~~
5 ~~775.083, or s. 775.084.~~

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

8 825.103 Exploitation of an elderly person or disabled
9 adult; penalties.--

10 (3) Notwithstanding any other provision of law, if the
11 funds, assets, or property involved in the exploitation of an
12 elderly person or a disabled adult is valued at \$10,000 or
13 more, the court shall sentence the offender to a mandatory
14 minimum sentence of 3 years imprisonment.

15 (4) This subsection does not prevent a court from
16 imposing a greater sentence of incarceration as authorized by
17 law. If the minimum mandatory terms of imprisonment imposed
18 pursuant to subsection (3) exceed the maximum sentences
19 authorized by s. 775.082, s. 775.084, or the Criminal
20 Punishment Code under chapter 921, the mandatory minimum
21 sentence must be imposed. If the mandatory minimum terms of
22 imprisonment under this section are less than the sentences
23 that could be imposed as authorized by s. 775.082, s. 775.084,
24 or the Criminal Punishment Code under chapter 921, the
25 sentence imposed by the court must include the mandatory
26 minimum term of imprisonment as required in subsection (3).

27 Section 6. This act shall take effect July 1, 2004.
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SENATE SUMMARY

Provides for the reclassification of felonies committed against an elderly person or a disabled adult. Provides for the reclassification of misdemeanors for battery and assault committed against persons 65 years of age or older. Provides for a mandatory term of imprisonment for certain thefts and acts of exploitation committed against persons 65 years of age or older.