

By Senator Smith

14-1000-05

See HB 319

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A bill to be entitled
An act relating to the Freedom to Worship
Safely Act; providing a popular name; creating
s. 775.0861, F.S.; providing for the upgrading
of the degree of an offense that involves the
use or threat of physical force or violence
against any individual if the offense is
committed at a location where a religious
institution is conducting or carrying on
religious services or activities; providing for
gain-time eligibility and severity ranking of
offenses; amending s. 921.0022, F.S.; providing
for application of the severity ranking chart
of the Criminal Punishment Code; providing
applicability; providing an effective date.

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

Section 1. This act may be cited as the "Freedom to
Worship Safely Act."

Section 2. Section 775.0861, Florida Statutes, is
created to read:

775.0861 Offenses against persons on the grounds of
religious institutions; reclassification.--

(1) The felony or misdemeanor degree of any violation
of:

- (a) Section 784.011, relating to assault;
- (b) Section 784.021, relating to aggravated assault;
- (c) Section 784.03, relating to battery;
- (d) Section 784.041, relating to felony battery;

1 (e) A statute defining any offense listed in s.
2 775.084(1)(b)1.; or
3 (f) Any other statute defining an offense that
4 involves the use or threat of physical force or violence
5 against any individual
6
7 shall be reclassified to the next higher degree as provided in
8 this section if the offense is committed at a location where a
9 religious institution as defined in s. 496.404 is conducting
10 or carrying on religious services or activities at the time of
11 the offense.
12 (2)(a) In the case of a misdemeanor of the second
13 degree, the offense is reclassified to a misdemeanor of the
14 first degree.
15 (b) In the case of a misdemeanor of the first degree,
16 the offense is reclassified to a felony of the third degree.
17 For purposes of sentencing under chapter 921 and determining
18 incentive gain-time eligibility under chapter 944, such
19 offense is ranked in level 2 of the offense severity ranking
20 chart.
21 (3)(a) In the case of a felony of the third degree,
22 the offense is reclassified to a felony of the second degree.
23 (b) In the case of a felony of the second degree, the
24 offense is reclassified to a felony of the first degree.
25
26 For purposes of sentencing under chapter 921 and determining
27 incentive gain-time eligibility under chapter 944, a felony
28 offense that is reclassified under this subsection is ranked
29 one level above the ranking under s. 921.0022 or s. 921.0023
30 of the offense committed.
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1 Section 3. Subsection (2) of section 921.0022, Florida
2 Statutes, is amended to read:

3 921.0022 Criminal Punishment Code; offense severity
4 ranking chart.--

5 (2) The offense severity ranking chart has 10 offense
6 levels, ranked from least severe, which are level 1 offenses,
7 to most severe, which are level 10 offenses, and each felony
8 offense is assigned to a level according to the severity of
9 the offense. For purposes of determining which felony offenses
10 are specifically listed in the offense severity ranking chart
11 and which severity level has been assigned to each of these
12 offenses, the numerical statutory references in the left
13 column of the chart and the felony degree designations in the
14 middle column of the chart are controlling; the language in
15 the right column of the chart is provided solely for
16 descriptive purposes. Reclassification of the degree of the
17 felony through the application of s. 775.0845, s. 775.0861, s.
18 775.087, s. 775.0875, s. 794.023, or any other law that
19 provides an enhanced penalty for a felony offense, to any
20 offense listed in the offense severity ranking chart in this
21 section shall not cause the offense to become unlisted and is
22 not subject to the provisions of s. 921.0023.

23 Section 4. This act shall take effect July 1, 2005,
24 and shall apply to offenses committed on or after that date.
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