${\bf By}$  the Committee on Judiciary; and Senators Smith, Klein, Atwater, Campbell and Aronberg

590-2037-05

1	A bill to be entitled
2	An act relating to the Freedom to Worship
3	Safely Act; providing a popular name; creating
4	s. 775.0861, F.S.; providing for the upgrading
5	of the degree of an offense that involves the
6	use or threat of physical force or violence
7	against any individual if the offense is
8	committed at a location where a religious
9	institution is conducting or carrying on
10	religious services or activities; providing for
11	the severity ranking of offenses; amending s.
12	921.0022, F.S.; providing for application of
13	the severity ranking chart of the Criminal
14	Punishment Code; providing applicability;
15	providing an effective date.
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17	Be It Enacted by the Legislature of the State of Florida:
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19	Section 1. This act may be cited as the "Freedom to
20	Worship Safely Act."
21	Section 2. Section 775.0861, Florida Statutes, is
22	created to read:
23	775.0861 Offenses against persons on the grounds of
24	religious institutions; reclassification
25	(1) The felony or misdemeanor degree of any violation
26	of:
27	(a) Section 784.011, relating to assault;
28	(b) Section 784.021, relating to aggravated assault;
29	(c) Section 784.03, relating to battery;
30	(d) Section 784.041, relating to felony battery;
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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,
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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, such offense is
18	ranked in level 2 of the offense severity ranking chart.
19	(3)(a) In the case of a felony of the third degree,
20	the offense is reclassified to a felony of the second degree.
21	(b) In the case of a felony of the second degree, the
22	offense is reclassified to a felony of the first degree.
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24	For purposes of sentencing under chapter 921, a felony offense
25	that is reclassified under this subsection is ranked one level
26	above the ranking under s. 921.0022 or s. 921.0023 of the
27	offense committed.
28	Section 3. Subsection (2) of section 921.0022, Florida
29	Statutes, is amended to read:
30	921.0022 Criminal Punishment Code; offense severity
31	ranking chart

1	(2) The offense severity ranking chart has 10 offense
2	levels, ranked from least severe, which are level 1 offenses,
3	to most severe, which are level 10 offenses, and each felony
4	offense is assigned to a level according to the severity of
5	the offense. For purposes of determining which felony offenses
6	are specifically listed in the offense severity ranking chart
7	and which severity level has been assigned to each of these
8	offenses, the numerical statutory references in the left
9	column of the chart and the felony degree designations in the
10	middle column of the chart are controlling; the language in
11	the right column of the chart is provided solely for
12	descriptive purposes. Reclassification of the degree of the
13	felony through the application of s. 775.0845, <u>s. 775.0861,</u> s.
14	775.087, s. 775.0875, s. 794.023, or any other law that
15	provides an enhanced penalty for a felony offense, to any
16	offense listed in the offense severity ranking chart in this
17	section shall not cause the offense to become unlisted and is
18	not subject to the provisions of s. 921.0023.
19	Section 4. This act shall take effect July 1, 2005,
20	and shall apply to offenses committed on or after that date.
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22	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
23	Senate Bill 1096
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25	This committee substitute deletes a reference to incentive
26	gain-time provisions, as offense levels are no longer relevant to the awarding of incentive gain-time for any offense committed after October 1, 1995.
27	Committee after October 1, 1995.
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