

1 A bill to be entitled
 2 An act relating to domestic violence; amending s. 741.28,
 3 F.S.; correcting a cross reference; amending s. 741.283,
 4 F.S.; requiring a court to sentence a person to serve a
 5 minimum of 5 days in the county jail if the person is
 6 adjudicated guilty of the crime of domestic violence and
 7 deprives a family or household member of communications
 8 services; creating s. 741.311, F.S.; defining the term
 9 "communication services"; prohibiting a person from
 10 depriving a family or household member of the use of
 11 communication services in the course of committing
 12 domestic violence; providing an enhanced penalty if a
 13 person is adjudicated guilty of a crime in the course of
 14 committing domestic violence, and during the time the
 15 crime was committed, deprived a family or household member
 16 of the use of communication services; providing an
 17 effective date.

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

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 21 Section 1. Section 741.28, Florida Statutes, is amended to
 22 read:

23 741.28 Domestic violence; definitions.--As used in ss.
 24 741.28-741.311 ~~ss. 741.28-741.31~~:

25 (1) "Department" means the ~~Florida~~ Department of Law
 26 Enforcement.

27 (2) "Domestic violence" means any assault, aggravated
 28 assault, battery, aggravated battery, sexual assault, sexual

29 battery, stalking, aggravated stalking, kidnapping, false
30 imprisonment, or any criminal offense resulting in physical
31 injury or death of one family or household member by another
32 family or household member.

33 (3) "Family or household member" means spouses, former
34 spouses, persons related by blood or marriage, persons who are
35 presently residing together as if a family or who have resided
36 together in the past as if a family, and persons who are parents
37 of a child in common regardless of whether they have been
38 married. With the exception of persons who have a child in
39 common, the family or household members must be currently
40 residing or have in the past resided together in the same single
41 dwelling unit.

42 (4) "Law enforcement officer" means any person who is
43 elected, appointed, or employed by any municipality or the state
44 or any political subdivision thereof who meets the minimum
45 qualifications established in s. 943.13 and is certified as a
46 law enforcement officer under s. 943.1395.

47 Section 2. Section 741.283, Florida Statutes, is amended
48 to read:

49 741.283 Minimum term of imprisonment for domestic
50 violence.--If a person is adjudicated guilty of a crime of
51 domestic violence,~~as defined in s. 741.28,~~ and the person has
52 intentionally caused bodily harm to another person, or a person
53 is adjudicated guilty of a violation of s. 741.311, the court
54 shall order the person to serve a minimum of 5 days in the
55 county jail as part of the sentence imposed, unless the court
56 sentences the person to a nonsuspended period of incarceration

57 in a state correctional facility. This section does not preclude
58 the court from sentencing the person to probation, community
59 control, or an additional period of incarceration.

60 Section 3. Section 741.311, Florida Statutes, is created
61 to read:

62 741.311 Domestic violence; deprivation of communications
63 services.--

64 (1) For the purposes of this section, the term
65 "communication services" has the same meaning as in s. 812.15(1)
66 and includes, but is not limited to, telephones, cellular
67 telephones, and pagers.

68 (2) A person may not deprive a family or household member
69 of access to or the use of communication services in the course
70 of committing domestic violence.

71 (3) If a person is adjudicated guilty of a crime in the
72 course of committing domestic violence and, during the time the
73 crime was committed, violated subsection (2), the penalty
74 imposed shall be enhanced as follows:

75 (a) A misdemeanor of the second degree shall be punished
76 as if it were a misdemeanor of the first degree.

77 (b) A misdemeanor of the first degree shall be punished as
78 if it were a felony of the third degree.

79 (c) A felony of the third degree shall be punished as if
80 it were a felony of the second degree.

81 (d) A felony of the second degree shall be punished as if
82 it were a felony of the first degree.

83 (e) A felony of the first degree shall be punished as if
84 it were a life felony.

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