

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

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

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

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

21 775.0861 Offenses against persons on the grounds of
 22 religious institutions; reclassification.--

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

24 (a) Section 784.011, relating to assault;

25 (b) Section 784.021, relating to aggravated assault;

26 (c) Section 784.03, relating to battery;

27 (d) Section 784.041, relating to felony battery;

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28 (e) A statute defining any offense listed in s.
29 775.084(1)(b)1.; or

30 (f) Any other statute defining an offense that involves
31 the use or threat of physical force or violence against any
32 individual

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34 shall be reclassified to the next higher degree as provided in
35 this section if the offense is committed at a location where a
36 religious institution as defined in s. 496.404 is conducting or
37 carrying on religious services or activities at the time of the
38 offense.

39 (2)(a) In the case of a misdemeanor of the second degree,
40 the offense is reclassified to a misdemeanor of the first
41 degree.

42 (b) In the case of a misdemeanor of the first degree, the
43 offense is reclassified to a felony of the third degree. For
44 purposes of sentencing under chapter 921 and determining
45 incentive gain-time eligibility under chapter 944, such offense
46 is ranked in level 2 of the offense severity ranking chart.

47 (3)(a) In the case of a felony of the third degree, the
48 offense is reclassified to a felony of the second degree.

49 (b) In the case of a felony of the second degree, the
50 offense is reclassified to a felony of the first degree.

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52 For purposes of sentencing under chapter 921 and determining
53 incentive gain-time eligibility under chapter 944, a felony
54 offense that is reclassified under this subsection is ranked one

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55 level above the ranking under s. 921.0022 or s. 921.0023 of the
56 offense committed.

57 Section 3. Subsection (2) of section 921.0022, Florida
58 Statutes, is amended to read:

59 921.0022 Criminal Punishment Code; offense severity
60 ranking chart.--

61 (2) The offense severity ranking chart has 10 offense
62 levels, ranked from least severe, which are level 1 offenses, to
63 most severe, which are level 10 offenses, and each felony
64 offense is assigned to a level according to the severity of the
65 offense. For purposes of determining which felony offenses are
66 specifically listed in the offense severity ranking chart and
67 which severity level has been assigned to each of these
68 offenses, the numerical statutory references in the left column
69 of the chart and the felony degree designations in the middle
70 column of the chart are controlling; the language in the right
71 column of the chart is provided solely for descriptive purposes.
72 Reclassification of the degree of the felony through the
73 application of s. 775.0845, s. 775.0861, s. 775.087, s.
74 775.0875, s. 794.023, or any other law that provides an enhanced
75 penalty for a felony offense, to any offense listed in the
76 offense severity ranking chart in this section shall not cause
77 the offense to become unlisted and is not subject to the
78 provisions of s. 921.0023.

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