

ENROLLED
 HB 319, Engrossed 1

2005 Legislature

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 definitions; providing for the upgrading of the
 5 degree of an offense that involves the use or threat of
 6 physical force or violence if the offense is committed on
 7 the property of a religious institution while the victim
 8 is on the property for the purpose of participating in or
 9 attending a religious service; providing for severity
 10 ranking of offenses; amending s. 921.0022, F.S.; providing
 11 for application of the severity ranking chart of the
 12 Criminal Punishment Code; providing applicability;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 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) For purposes of this section, the term:

24 (a) "Religious institution" is as defined in s. 496.404.

25 (b) "Religious service" is a religious ceremony, prayer,
 26 or other activity according to a form and order prescribed for
 27 worship, including a service related to a particular occasion.

28 (2) The felony or misdemeanor degree of any violation of:

ENROLLED
 HB 319, Engrossed 1

2005 Legislature

- 29 (a) Section 784.011, relating to assault;
- 30 (b) Section 784.021, relating to aggravated assault;
- 31 (c) Section 784.03, relating to battery;
- 32 (d) Section 784.041, relating to felony battery;
- 33 (e) A statute defining any offense listed in s.
- 34 775.084(1)(b)1.; or
- 35 (f) Any other statute defining an offense that involves
- 36 the use or threat of physical force or violence against any
- 37 individual
- 38
- 39 shall be reclassified as provided in this section if the offense
- 40 is committed on the property of a religious institution while
- 41 the victim is on the property for the purpose of participating
- 42 in or attending a religious service.
- 43 (3)(a) In the case of a misdemeanor of the second degree,
- 44 the offense is reclassified to a misdemeanor of the first
- 45 degree.
- 46 (b) In the case of a misdemeanor of the first degree, the
- 47 offense is reclassified to a felony of the third degree. For
- 48 purposes of sentencing under chapter 921, such offense is ranked
- 49 in level 2 of the offense severity ranking chart.
- 50 (c) In the case of a felony of the third degree, the
- 51 offense is reclassified to a felony of the second degree.
- 52 (d) In the case of a felony of the second degree, the
- 53 offense is reclassified to a felony of the first degree.
- 54 (e) In the case of a felony of the first degree, the
- 55 offense is reclassified to a life felony.

ENROLLED

HB 319, Engrossed 1

2005 Legislature

57 For purposes of sentencing under chapter 921 and determining
58 incentive gain-time eligibility under chapter 944, a felony
59 offense that is reclassified under this subsection is ranked one
60 level above the ranking under s. 921.0022 or s. 921.0023 of the
61 offense committed.

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

64 921.0022 Criminal Punishment Code; offense severity
65 ranking chart.--

66 (2) The offense severity ranking chart has 10 offense
67 levels, ranked from least severe, which are level 1 offenses, to
68 most severe, which are level 10 offenses, and each felony
69 offense is assigned to a level according to the severity of the
70 offense. For purposes of determining which felony offenses are
71 specifically listed in the offense severity ranking chart and
72 which severity level has been assigned to each of these
73 offenses, the numerical statutory references in the left column
74 of the chart and the felony degree designations in the middle
75 column of the chart are controlling; the language in the right
76 column of the chart is provided solely for descriptive purposes.
77 Reclassification of the degree of the felony through the
78 application of s. 775.0845, s. 775.0861, s. 775.087, s.
79 775.0875, s. 794.023, or any other law that provides an enhanced
80 penalty for a felony offense, to any offense listed in the
81 offense severity ranking chart in this section shall not cause
82 the offense to become unlisted and is not subject to the
83 provisions of s. 921.0023.

ENROLLED
HB 319, Engrossed 1

2005 Legislature

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