

1 A bill to be entitled
 2 An act relating to inappropriate or excessively harsh
 3 corporal discipline; amending s. 39.301, F.S.; including
 4 inappropriate or excessively harsh corporal discipline in
 5 the definition of "criminal conduct" for purposes of
 6 protective investigations; creating s. 827.032, F.S.;
 7 defining "inappropriate or excessively harsh corporal
 8 discipline"; prohibiting parents, legal custodians, or
 9 caregivers from inflicting inappropriate or excessively
 10 harsh corporal discipline; providing penalties; providing
 11 applicability; amending s. 921.0022, F.S.; including
 12 offenses involving inappropriate or excessively harsh
 13 corporal discipline within the offense severity ranking
 14 chart of the Criminal Punishment Code; providing an
 15 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. Paragraph (b) of subsection (2) of section
 20 39.301, Florida Statutes, is amended to read:

21 39.301 Initiation of protective investigations.--

22 (2)

23 (b) As used in this subsection, the term "criminal
 24 conduct" means:

25 1. A child is known or suspected to be the victim of child
 26 abuse~~7~~ as defined in s. 827.03, ~~or~~ of neglect of a child~~7~~ as

27 | defined in s. 827.03, or of inappropriate or excessively harsh
 28 | corporal discipline as defined by s. 827.032.

29 | 2. A child is known or suspected to have died as a result
 30 | of abuse or neglect.

31 | 3. A child is known or suspected to be the victim of
 32 | aggravated child abuse, as defined in s. 827.03.

33 | 4. A child is known or suspected to be the victim of
 34 | sexual battery, as defined in s. 827.071, or of sexual abuse, as
 35 | defined in s. 39.01.

36 | 5. A child is known or suspected to be the victim of
 37 | institutional child abuse or neglect, as defined in s. 39.01,
 38 | and as provided for in s. 39.302(1).

39 | Section 2. Section 827.032, Florida Statutes, is created
 40 | to read:

41 | 827.032 Inappropriate or excessively harsh corporal
 42 | discipline; penalties.--

43 | (1) "Inappropriate or excessively harsh corporal
 44 | discipline" means an act of discipline that results or could
 45 | reasonably be expected to result in any of the following or
 46 | other similar injuries:

47 | (a) Sprains, dislocations, or cartilage damage.

48 | (b) Bone or skull fractures.

49 | (c) Brain or spinal cord damage.

50 | (d) Intracranial hemorrhage or injury to other internal
 51 | organs.

52 | (e) Asphyxiation, suffocation, or drowning.

53 | (f) Injury resulting from the use of a deadly weapon.

- 54 (g) Burns or scalding.
- 55 (h) Cuts, lacerations, punctures, or bites.
- 56 (i) Disfigurement.
- 57 (j) Loss or impairment of a body part or function.
- 58 (k) Significant bruises or welts.
- 59 (l) Mental injury, as defined in s. 39.01.
- 60 (2) A parent, legal custodian, or caregiver who knowingly
 61 or willfully inflicts inappropriate or excessively harsh
 62 corporal discipline upon a child commits a felony of the third
 63 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 64 775.084.

65 (3) This section does not preclude prosecution under s.
 66 827.03 when s. 827.03 is charged in lieu of this section.

67 Section 3. Paragraph (f) of subsection (3) of section
 68 921.0022, Florida Statutes, is amended to read:

69 921.0022 Criminal Punishment Code; offense severity
 70 ranking chart.--

71 (3) OFFENSE SEVERITY RANKING CHART

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Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051 (3)	2nd	Forgery of pedigree papers.

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76	499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
77	499.0051(5)	2nd	Sale of legend drug to unauthorized person.
78	775.0875(1)	3rd	Taking firearm from law enforcement officer.
79	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
80	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
81	784.041	3rd	Felony battery.
82	784.048(3)	3rd	Aggravated stalking; credible threat.
83	784.048(5)	3rd	Aggravated stalking of person under 16.
84	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
85	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
86	784.08(2)(b)	2nd	Aggravated assault on a person 65

			years of age or older.
87	784.081 (2)	2nd	Aggravated assault on specified official or employee.
88	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
89	784.083 (2)	2nd	Aggravated assault on code inspector.
90	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
91	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
92	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
93	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
94	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

95	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
96	794.05(1)	2nd	Unlawful sexual activity with specified minor.
97	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
98	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
99	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
100	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
101	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
102	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
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104	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
105	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
106	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
107	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
108	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
109	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
110	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
111	827.03 (1)	3rd	Abuse of a child.
112	827.03 (3) (c)	3rd	Neglect of a child.
	<u>827.032</u>	<u>3rd</u>	<u>Inappropriate or excessively harsh corporal discipline by a parent, legal custodian, or caregiver upon a</u>

child.

113	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
114	836.05	2nd	Threats; extortion.
115	836.10	2nd	Written threats to kill or do bodily injury.
116	843.12	3rd	Aids or assists person to escape.
117	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
118	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
119	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
120	944.40	2nd	Escapes.
121	944.46	3rd	Harboring, concealing, aiding

escaped prisoners.

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944.47(1)(a)5. 2nd Introduction of contraband (firearm,
weapon, or explosive) into
correctional facility.

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951.22(1) 3rd Intoxicating drug, firearm, or
weapon introduced into county
facility.

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Section 4. This act shall take effect July 1, 2006.