

Bill No. SB 1992

Barcode 124072

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (King) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 1, line 15,

insert:

Section 1. Subsection (1) of section 775.085, Florida Statutes, is amended to read:

775.085 Evidencing prejudice while committing offense; reclassification.--

(1)(a) The penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, homeless status, or advanced age of the victim:

1. A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree.

2. A misdemeanor of the first degree is reclassified to a felony of the third degree.

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1           3. A felony of the third degree is reclassified to a  
2 felony of the second degree.

3           4. A felony of the second degree is reclassified to a  
4 felony of the first degree.

5           5. A felony of the first degree is reclassified to a  
6 life felony.

7           (b) As used in paragraph (a), the term:

8           1. "Mental or physical disability" means that the  
9 victim suffers from a condition of physical or mental  
10 incapacitation due to a developmental disability, organic  
11 brain damage, or mental illness, and has one or more physical  
12 or mental limitations that restrict the victim's ability to  
13 perform the normal activities of daily living.

14           2. "Advanced age" means that the victim is older than  
15 65 years of age.

16           3. "Homeless status" means that the victim is homeless  
17 as defined in s. 420.621(4).

18  
19 (Redesignate subsequent sections.)

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22 ===== T I T L E   A M E N D M E N T =====

23 And the title is amended as follows:

24           On page 1, line 3, after the first semicolon,

25  
26 insert:

27           amending s. 775.085, F.S.; including homeless  
28 status as a ground for reclassifying a felony  
29 or misdemeanor to a more serious offense;  
30           creating s. 784.0815, F.S.;

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