

By the Committees on Justice Appropriations; Criminal Justice; and Senators Baker, Bennett and Crist

604-2162-06

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A bill to be entitled

An act relating to assault or battery on security officers; amending s. 784.07, F.S.; providing for reclassification of an assault or battery on a nonsworn agency inspector, blood alcohol analyst, or breath test operator in specified circumstances or a licensed security officer; providing applicability; providing an effective date.

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

Section 1. Subsection (2) of section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.--

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, a traffic accident investigation officer as described in s. 316.640, a traffic infraction enforcement officer as described in s. 316.640, a nonsworn law enforcement employee who is certified as an agency inspector, blood alcohol analyst, or breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch

1 or emblem that is visible at all times clearly identifying the
2 employing agency and the employee as a licensed security
3 officer, or a security officer employed by the board of
4 trustees of a community college, while the officer,
5 firefighter, emergency medical care provider, intake officer,
6 traffic accident investigation officer, traffic infraction
7 enforcement officer, inspector, analyst, operator, parking
8 enforcement specialist, public transit employee or agent, or
9 security officer is engaged in the lawful performance of his
10 or her duties, the offense for which the person is charged
11 shall be reclassified as follows:

12 (a) In the case of assault, from a misdemeanor of the
13 second degree to a misdemeanor of the first degree.

14 (b) In the case of battery, from a misdemeanor of the
15 first degree to a felony of the third degree.

16 (c) In the case of aggravated assault, from a felony
17 of the third degree to a felony of the second degree.

18 Notwithstanding any other provision of law, any person
19 convicted of aggravated assault upon a law enforcement officer
20 shall be sentenced to a minimum term of imprisonment of 3
21 years.

22 (d) In the case of aggravated battery, from a felony
23 of the second degree to a felony of the first degree.

24 Notwithstanding any other provision of law, any person
25 convicted of aggravated battery of a law enforcement officer
26 shall be sentenced to a minimum term of imprisonment of 5
27 years.

28 Section 2. This act shall take effect July 1, 2006,
29 and shall apply to offenses committed on or after that date.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 212

Adds nonsworn law enforcement employees who are certified as agency inspectors, blood alcohol analysts, and breath test operators while in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI to be included in the enhanced penalties.