

By Senator Dockery

15-1519-06

See HB 815

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A bill to be entitled

An act relating to strangulation; amending s. 784.041, F.S.; providing that knowingly or intentionally impeding the normal breathing or circulation of the blood of another person in specified ways constitutes felony battery; providing an affirmative defense; providing penalties; providing an effective date.

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

Section 1. Section 784.041, Florida Statutes, is amended to read:

784.041 Felony battery.--

(1) A person commits felony battery if he or she:

(a) Actually and intentionally touches or strikes another person against the will of the other; and

(b)1. Causes great bodily harm, permanent disability, or permanent disfigurement; or

2. Commits the act of strangulation by knowingly or intentionally impeding the normal breathing or circulation of the blood of the other person by applying pressure on the throat or neck or by blocking the nose or mouth of the other person. It is an affirmative defense to a charge under this subparagraph that an act constituting strangulation was the result of a legitimate medical procedure.

(2) A person who commits felony battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 2006.