

Bill No. SB 2266

Barcode 685724

CHAMBER ACTION

Senate

House

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The Committee on Children and Families (Rich) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 827.032, Florida Statutes, is created to read:

827.032 Inappropriate or excessively harsh corporal discipline; penalties.--

(1) As used in this section, the term "inappropriate of excessively harsh corporal discipline" means:

(a) An act of discipline that results or could reasonably be expected to result in any of the following or other, similar injuries:

- 1. Sprains, dislocations, or cartilage damage.
- 2. Bone or skull fracture.
- 3. Brain or spinal cord damage.
- 4. Intracranial hemorrhage or injury to other internal

organs.

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- 1 5. Asphyxiation, suffocation, or drowning.
- 2 6. Injury resulting from the use of a deadly weapon.
- 3 7. Burns or scalding.
- 4 8. Cuts, lacerations, punctures, or bites.
- 5 9. Disfigurement.
- 6 10. Loss or impairment of a body part or function.
- 7 11. Significant bruises or welts.
- 8 12. Mental injury, as defined in s. 39.01.

9 (2) A parent, legal custodian, or caregiver who
 10 knowingly or willfully inflicts inappropriate or excessively
 11 harsh corporal discipline upon a child commits a felony of the
 12 third degree, punishable as provided in s. 775.082, s.
 13 775.083, or s. 775.084.

14 (3) This section does not preclude prosecution under
 15 s. 827.03 when a violation of s. 827.03 is charged in lieu of
 16 a violation of this section.

17 Section 2. Paragraph (f) of subsection (3) of section
 18 921.0022, Florida Statutes, is amended to read: (attached)

19 921.0022 Criminal Punishment Code; offense severity
 20 ranking chart.--

21 (3) OFFENSE SEVERITY RANKING CHART

23	Florida	Felony	
24	Statute	Degree	Description
25			
26			
27			(f) LEVEL 6
28	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
29			conviction.
30	499.0051(3)	2nd	Forgery of pedigree papers.

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1	499.0051(4)	2nd	Purchase or receipt of legend
2			drug from unauthorized person.
3	499.0051(5)	2nd	Sale of legend drug to
4			unauthorized person.
5	775.0875(1)	3rd	Taking firearm from law
6			enforcement officer.
7	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
8			without intent to kill.
9	784.021(1)(b)	3rd	Aggravated assault; intent to
10			commit felony.
11	784.041	3rd	Felony battery.
12	784.048(3)	3rd	Aggravated stalking; credible
13			threat.
14	784.048(5)	3rd	Aggravated stalking of person
15			under 16.
16	784.07(2)(c)	2nd	Aggravated assault on law
17			enforcement officer.
18	784.074(1)(b)	2nd	Aggravated assault on sexually
19			violent predators facility staff.
20	784.08(2)(b)	2nd	Aggravated assault on a person 65
21			years of age or older.
22	784.081(2)	2nd	Aggravated assault on specified
23			official or employee.
24	784.082(2)	2nd	Aggravated assault by detained
25			person on visitor or other
26			detainee.
27	784.083(2)	2nd	Aggravated assault on code
28			inspector.
29	787.02(2)	3rd	False imprisonment; restraining
30			with purpose other than those in
31			s. 787.01.

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1	790.115(2)(d)	2nd	Discharging firearm or weapon on
2			school property.
3	790.161(2)	2nd	Make, possess, or throw
4			destructive device with intent to
5			do bodily harm or damage
6			property.
7	790.164(1)	2nd	False report of deadly explosive,
8			weapon of mass destruction, or
9			act of arson or violence to state
10			property.
11	790.19	2nd	Shooting or throwing deadly
12			missiles into dwellings, vessels,
13			or vehicles.
14	794.011(8)(a)	3rd	Solicitation of minor to
15			participate in sexual activity by
16			custodial adult.
17	794.05(1)	2nd	Unlawful sexual activity with
18			specified minor.
19	800.04(5)(d)	3rd	Lewd or lascivious molestation;
20			victim 12 years of age or older
21			but less than 16 years; offender
22			less than 18 years.
23	800.04(6)(b)	2nd	Lewd or lascivious conduct;
24			offender 18 years of age or
25			older.
26	806.031(2)	2nd	Arson resulting in great bodily
27			harm to firefighter or any other
28			person.
29	810.02(3)(c)	2nd	Burglary of occupied structure;
30			unarmed; no assault or battery.
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1	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
2			but less than \$100,000, grand
3			theft in 2nd degree.
4	812.015(9)	2nd	Retail theft; property stolen
5			\$300 or more; second or
6			subsequent conviction.
7	812.13(2)(c)	2nd	Robbery, no firearm or other
8			weapon (strong-arm robbery).
9	817.034(4)(a)1.	1st	Communications fraud, value
10			greater than \$50,000.
11	817.4821(5)	2nd	Possess cloning paraphernalia
12			with intent to create cloned
13			cellular telephones.
14	825.102(1)	3rd	Abuse of an elderly person or
15			disabled adult.
16	825.102(3)(c)	3rd	Neglect of an elderly person or
17			disabled adult.
18	825.1025(3)	3rd	Lewd or lascivious molestation of
19			an elderly person or disabled
20			adult.
21	825.103(2)(c)	3rd	Exploiting an elderly person or
22			disabled adult and property is
23			valued at less than \$20,000.
24	827.03(1)	3rd	Abuse of a child.
25	<u>827.032</u>	<u>3rd</u>	<u>Inappropriate or excessively</u>
26			<u>harsh corporal discipline by a</u>
27			<u>parent, legal custodian or</u>
28			<u>caregiver upon a child.</u>
29	827.03(3)(c)	3rd	Neglect of a child.
30	827.071(2)&(3)	2nd	Use or induce a child in a sexual
31			performance, or promote or direct
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1			such performance.
2	836.05	2nd	Threats; extortion.
3	836.10	2nd	Written threats to kill or do
4			bodily injury.
5	843.12	3rd	Aids or assists person to escape.
6	847.0135(2)	3rd	Facilitates sexual conduct of or
7			with a minor or the visual
8			depiction of such conduct.
9	914.23	2nd	Retaliation against a witness,
10			victim, or informant, with bodily
11			injury.
12	944.35(3)(a)2.	3rd	Committing malicious battery upon
13			or inflicting cruel or inhuman
14			treatment on an inmate or
15			offender on community
16			supervision, resulting in great
17			bodily harm.
18	944.40	2nd	Escapes.
19	944.46	3rd	Harboring, concealing, aiding
20			escaped prisoners.
21	944.47(1)(a)5.	2nd	Introduction of contraband
22			(firearm, weapon, or explosive)
23			into correctional facility.
24	951.22(1)	3rd	Intoxicating drug, firearm, or
25			weapon introduced into county
26			facility.

Section 3. This act shall take effect October 1, 2006.

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

And the title is amended as follows:

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1 Delete everything before the enacting clause

2

3 and insert:

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A bill to be entitled

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An act relating to inappropriate or excessively

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harsh corporal discipline; creating s. 827.032,

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F.S.; defining the term "inappropriate or

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excessively harsh corporal discipline";

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prohibiting parents, legal custodians, and

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caregivers from inflicting inappropriate or

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excessively harsh corporal discipline;

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providing penalties; providing applicability;

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amending s. 921.0022, F.S.; providing ranking

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on the offense severity ranking chart;

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providing an effective date.

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