

By the Committees on Criminal Justice; Children and Families; and Senators Rich and Lynn

591-2320-06

1 A bill to be entitled

2 An act relating to inappropriate or excessively

3 harsh corporal discipline; amending s. 39.301,

4 F.S.; including allegations of criminal conduct

5 concerning s. 827.032, F.S., in the allegations

6 of child abuse which the Department of Children

7 and Family Services must refer to certain law

8 enforcement agencies; creating s. 827.032,

9 F.S.; defining the term "inappropriate or

10 excessively harsh corporal discipline";

11 prohibiting parents, legal custodians, and

12 caregivers from inflicting inappropriate or

13 excessively harsh corporal discipline;

14 providing penalties; providing applicability;

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

16 on the offense severity ranking chart;

17 providing an effective date.

18

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

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21 Section 1. Paragraph (b) of subsection (2) of section

22 39.301, Florida Statutes, is amended to read:

23 39.301 Initiation of protective investigations.--

24 (2)

25 (b) As used in this subsection, the term "criminal

26 conduct" means:

27 1. A child is known or suspected to be the victim of

28 child abuse, as defined in s. 827.03, ~~or~~ of neglect of a

29 child, as defined in s. 827.03, or of inappropriate or

30 excessively harsh corporal discipline, as defined in s.

31 827.032.

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

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

5 4. A child is known or suspected to be the victim of
6 sexual battery, as defined in s. 827.071, or of sexual abuse,
7 as defined in s. 39.01.

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

11 Section 2. Section 827.032, Florida Statutes, is
12 created to read:

13 827.032 Inappropriate or excessively harsh corporal
14 discipline; penalties.--

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

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

20 1. Sprains, dislocations, or cartilage damage.

21 2. Bone or skull fracture.

22 3. Brain or spinal cord damage.

23 4. Intracranial hemorrhage or injury to other internal
24 organs.

25 5. Asphyxiation, suffocation, or drowning.

26 6. Injury resulting from the use of a deadly weapon.

27 7. Burns or scalding.

28 8. Cuts, lacerations, punctures, or bites.

29 9. Disfigurement.

30 10. Loss or impairment of a body part or function.

31 11. Significant bruises or welts.

1 12. Mental injury, as defined in s. 39.01.
2 (2) A parent, legal custodian, or caregiver who
3 knowingly or willfully inflicts inappropriate or excessively
4 harsh corporal discipline upon a child commits a felony of the
5 third degree, punishable as provided in s. 775.082, s.
6 775.083, or s. 775.084.
7 (3) This section does not preclude prosecution under
8 s. 827.03 when a violation of s. 827.03 is charged in lieu of
9 a violation of this section.

10 Section 3. Paragraph (f) of subsection (3) of section
11 921.0022, Florida Statutes, is amended to read:

12 921.0022 Criminal Punishment Code; offense severity
13 ranking chart.--

14 (3) OFFENSE SEVERITY RANKING CHART

16 Florida	Felony	
17 Statute	Degree	Description
		(f) LEVEL 6
21 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
23 499.0051(3)	2nd	Forgery of pedigree papers.
24 499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
26 499.0051(5)	2nd	Sale of legend drug to unauthorized person.
28 775.0875(1)	3rd	Taking firearm from law enforcement officer.
30 784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.

1	784.021(1)(b)	3rd	Aggravated assault; intent to
2			commit felony.
3	784.041	3rd	Felony battery.
4	784.048(3)	3rd	Aggravated stalking; credible
5			threat.
6	784.048(5)	3rd	Aggravated stalking of person
7			under 16.
8	784.07(2)(c)	2nd	Aggravated assault on law
9			enforcement officer.
10	784.074(1)(b)	2nd	Aggravated assault on sexually
11			violent predators facility staff.
12	784.08(2)(b)	2nd	Aggravated assault on a person 65
13			years of age or older.
14	784.081(2)	2nd	Aggravated assault on specified
15			official or employee.
16	784.082(2)	2nd	Aggravated assault by detained
17			person on visitor or other
18			detainee.
19	784.083(2)	2nd	Aggravated assault on code
20			inspector.
21	787.02(2)	3rd	False imprisonment; restraining
22			with purpose other than those in
23			s. 787.01.
24	790.115(2)(d)	2nd	Discharging firearm or weapon on
25			school property.
26	790.161(2)	2nd	Make, possess, or throw
27			destructive device with intent to
28			do bodily harm or damage
29			property.
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31			

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

22 Section 4. This act shall take effect October 1, 2006.

23
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 CS/SB 2266

27 Amends the definition of "criminal conduct" in s. 39.301, F.S.
28 (Initiation of protective investigations) to include the
29 offense of "inappropriate or excessively harsh corporal
30 discipline" in that definition.
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