

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Criminal Justice Committee

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BILL: SB 488

INTRODUCER: Senator Fasano

SUBJECT: Domestic Violence Center/Trespass

DATE: February 28, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	<b>Favorable</b>
2.	_____	_____	CF	_____
3.	_____	_____	JA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

Senate Bill 488 would amend s. 810.09, F.S., by increasing the criminal penalty from a first degree misdemeanor to a third degree felony for trespassing upon a certified domestic violence center that is legally posted and properly identified (maximum possible penalty would be 5 years in prison rather than 1 year in jail). The increased penalty for this offense would be similar to the penalty already existing for trespassing upon other properly posted and identified property such as a construction site, a commercial horticulture property, or a designated agricultural site.

This bill would substantially amend section 810.09 of the Florida Statutes.

## II. Present Situation:

Generally, it is a first degree misdemeanor under s. 810.09, F.S., to commit trespass on property other than a structure or conveyance (punishable by imprisonment not exceeding a year and/or a fine up to \$1,000). It becomes a third degree felony under the following circumstances: if the offender is armed during the trespass; if the property trespassed upon is a legally posted and identified construction site; if the property trespassed upon is legally posted and identified as commercial horticulture property; if the property trespassed upon is legally posted and identified as a designated agricultural site for testing or research purposes; or if a person knowingly propels any potentially lethal projectile over or across private land without authorization while taking, killing, or endangering specified animals (punishable by imprisonment up to 5 years and/or a fine not exceeding \$5,000). s. 810.09(2)(a)-(g), F.S.

Under s. 39.902(2), F.S., a domestic violence center is defined as an agency that provides services to victims of domestic violence as its primary mission. Section 39.905, F.S., outlines the requirements to become certified as a domestic violence center by the Department of Children

and Family Services, including in part, the following: receiving an annual written endorsement of local law enforcement agencies; demonstrating local need and ability to sustain operations through 18 months; complying with administrative rules; and providing a facility to receive and house domestic violence victims.

### **III. Effect of Proposed Changes:**

Senate Bill 488 would amend s. 810.09, F.S., by increasing the criminal penalty from a first degree misdemeanor to a third degree felony for trespassing upon a certified domestic violence center that is legally posted and properly identified (maximum possible penalty would be 5 years in prison rather than 1 year in jail). The increased penalty for this offense would be similar to the penalty already existing for trespassing upon other properly posted and identified properties such as a construction site, a commercial horticulture property, or a designated agricultural site.

For the felony penalty to apply, a domestic violence center would have to be certified under s. 39.905, F.S., and be legally posted and identified in substantially the following manner: THIS AREA IS A DESIGNATED RESTRICTED SITE AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

According to the Criminal Justice Impact Conference, the bill will have an insignificant prison bed impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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