

1 A bill to be entitled

2 An act relating to assault or battery on homeless persons;
3 creating s. 784.0815, F.S.; providing a definition;
4 providing a minimum sentence for a person convicted of an
5 aggravated assault or aggravated battery upon a homeless
6 person; providing for reclassification of certain offenses
7 when committed against homeless persons; providing that
8 adjudication of guilt or imposition of sentence shall not
9 be suspended, deferred, or withheld for such offenses;
10 providing an effective date.

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

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14 Section 1. Section 784.0815, Florida Statutes, is created
15 to read:

16 784.0815 Assault or battery on homeless persons.--

17 (1) For purposes of this section, the term "homeless"
18 shall have the same meaning as provided in s. 420.621.

19 (2) A person who is convicted of an aggravated assault or
20 aggravated battery upon a homeless person shall be sentenced to
21 a minimum term of imprisonment of 3 years and fined not more
22 than \$10,000 and shall also be ordered by the sentencing judge
23 to make restitution to the victim of the offense and to perform
24 up to 500 hours of community service work. Restitution and
25 community service work shall be in addition to any fine or
26 sentence that may be imposed and shall not be in lieu thereof.

27 (3) Whenever a person is charged with committing an
28 assault or aggravated assault or a battery or aggravated battery

HB 809

2006

29 upon a homeless person, regardless of whether he or she knows or
30 has reason to know the housing status of the victim, the offense
31 for which the person is charged shall be reclassified as
32 follows:

33 (a) In the case of aggravated battery, from a felony of
34 the second degree to a felony of the first degree.

35 (b) In the case of aggravated assault, from a felony of
36 the third degree to a felony of the second degree.

37 (c) In the case of battery, from a misdemeanor of the
38 first degree to a felony of the third degree.

39 (d) In the case of assault, from a misdemeanor of the
40 second degree to a misdemeanor of the first degree.

41 (4) Notwithstanding the provisions of s. 948.01,
42 adjudication of guilt or imposition of sentence shall not be
43 suspended, deferred, or withheld.

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