

HB 809

2006
CS

CHAMBER ACTION

1 The Criminal Justice Appropriations Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to assault or battery on homeless persons;
8 creating the "Norris Act"; amending s. 775.085, F.S.;
9 reclassifying offenses evidencing prejudice based on the
10 homeless status of the victim; creating s. 784.0815, F.S.;
11 providing a definition; providing a minimum sentence for a
12 person convicted of an aggravated assault or aggravated
13 battery upon a homeless person; providing for
14 reclassification of certain offenses when committed
15 against homeless persons; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. This act may be cited as the "Norris Act."

20 Section 2. Subsection (1) of section 775.085, Florida
21 Statutes, is amended to read:

22 775.085 Evidencing prejudice while committing offense;
23 reclassification.--

HB 809

2006
CS

24 (1) (a) The penalty for any felony or misdemeanor shall be
25 reclassified as provided in this subsection if the commission of
26 such felony or misdemeanor evidences prejudice based on the
27 race, color, ancestry, ethnicity, religion, sexual orientation,
28 national origin, homeless status, mental or physical disability,
29 or advanced age of the victim:

30 1. A misdemeanor of the second degree is reclassified to a
31 misdemeanor of the first degree.

32 2. A misdemeanor of the first degree is reclassified to a
33 felony of the third degree.

34 3. A felony of the third degree is reclassified to a
35 felony of the second degree.

36 4. A felony of the second degree is reclassified to a
37 felony of the first degree.

38 5. A felony of the first degree is reclassified to a life
39 felony.

40 (b) As used in paragraph (a), the term:

41 1. "Mental or physical disability" means that the victim
42 suffers from a condition of physical or mental incapacitation
43 due to a developmental disability, organic brain damage, or
44 mental illness, and has one or more physical or mental
45 limitations that restrict the victim's ability to perform the
46 normal activities of daily living.

47 2. "Advanced age" means that the victim is older than 65
48 years of age.

49 3. "Homeless status" means that the victim is homeless as
50 the term is defined in s. 420.621.

HB 809

2006
CS

51 Section 3. Section 784.0815, Florida Statutes, is created
52 to read:

53 784.0815 Assault or battery on homeless persons.--

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

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

64 (3) Whenever a person is charged with committing an
65 assault or aggravated assault or a battery or aggravated battery
66 upon a homeless person, regardless of whether he or she knows or
67 has reason to know the housing status of the victim, the offense
68 for which the person is charged shall be reclassified as
69 follows:

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

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

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

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

HB 809

2006
CS

78 (4) Notwithstanding the provisions of s. 948.01,
79 adjudication of guilt or imposition of sentence shall not be
80 suspended, deferred, or withheld.

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