

HB 815

2006

1 A bill to be entitled
 2 An act relating to strangulation; amending s. 784.041,
 3 F.S.; providing that knowingly or intentionally impeding
 4 the normal breathing or circulation of the blood of
 5 another person in specified ways constitutes felony
 6 battery; providing an affirmative defense; providing
 7 penalties; providing an effective date.

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

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 11 Section 1. Section 784.041, Florida Statutes, is amended
 12 to read:

13 784.041 Felony battery.--

14 (1) A person commits felony battery if he or she:

15 (a) Actually and intentionally touches or strikes another
 16 person against the will of the other; and

17 (b) 1. Causes great bodily harm, permanent disability, or
 18 permanent disfigurement; or

19 2. Commits the act of strangulation by knowingly or
 20 intentionally impeding the normal breathing or circulation of
 21 the blood of the other person by applying pressure on the throat
 22 or neck or by blocking the nose or mouth of the other person. It
 23 is an affirmative defense to a charge under this subparagraph
 24 that an act constituting strangulation was the result of a
 25 legitimate medical procedure.

26 (2) A person who commits felony battery commits a felony
 27 of the third degree, punishable as provided in s. 775.082, s.
 28 775.083, or s. 775.084.

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