

1 A bill to be entitled
 2 An act relating to assault or battery; amending s. 784.07,
 3 F.S.; providing for reclassification of an assault or
 4 battery on a licensed security officer or specified non-
 5 sworn law enforcement agency employee; providing
 6 applicability; providing an effective date.

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

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 10 Section 1. Subsection (2) of section 784.07, Florida
 11 Statutes, is amended to read:

12 784.07 Assault or battery of law enforcement officers,
 13 firefighters, emergency medical care providers, public transit
 14 employees or agents, or other specified officers;
 15 reclassification of offenses; minimum sentences.--

16 (2) Whenever any person is charged with knowingly
 17 committing an assault or battery upon a law enforcement officer,
 18 a firefighter, an emergency medical care provider, a traffic
 19 accident investigation officer as described in s. 316.640, a
 20 non-sworn law enforcement agency employee who is certified as an
 21 agency inspector, blood alcohol analyst, or a breath test
 22 operator while such employee is in uniform and engaged in
 23 processing, testing, evaluating, analyzing, or transporting a
 24 person who is detained or under arrest for DUI, a traffic
 25 infracton enforcement officer as described in s. 316.640, a
 26 parking enforcement specialist as defined in s. 316.640, a
 27 person licensed as a security officer as defined in s. 493.6101

28 | and wearing a uniform that bears at least one patch or emblem
29 | that is visible at all times that clearly identifies the
30 | employing agency and that clearly identifies the person as a
31 | licensed security officer, or a security officer employed by the
32 | board of trustees of a community college, while the officer,
33 | firefighter, emergency medical care provider, intake officer,
34 | traffic accident investigation officer, traffic infraction
35 | enforcement officer, inspector, analyst, operator, parking
36 | enforcement specialist, public transit employee or agent, or
37 | security officer is engaged in the lawful performance of his or
38 | her duties, the offense for which the person is charged shall be
39 | reclassified as follows:

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

42 | (b) In the case of battery, from a misdemeanor of the
43 | first degree to a felony of the third degree.

44 | (c) In the case of aggravated assault, from a felony of
45 | the third degree to a felony of the second degree.

46 | Notwithstanding any other provision of law, any person convicted
47 | of aggravated assault upon a law enforcement officer shall be
48 | sentenced to a minimum term of imprisonment of 3 years.

49 | (d) In the case of aggravated battery, from a felony of
50 | the second degree to a felony of the first degree.

51 | Notwithstanding any other provision of law, any person convicted
52 | of aggravated battery of a law enforcement officer shall be
53 | sentenced to a minimum term of imprisonment of 5 years.

HB 85, Engrossed 1

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54 Section 2. This act shall take effect July 1, 2006, and
55 shall apply to offenses committed on or after that date.