

HB 11

2007

1 A bill to be entitled
2 An act relating to assault or battery on homeless persons;
3 amending s. 775.085, F.S.; reclassifying offenses
4 evidencing prejudice based on the homeless status of the
5 victim; providing a definition; creating s. 784.0815,
6 F.S.; providing a definition; providing a minimum sentence
7 and other penalties for a person convicted of an
8 aggravated assault or aggravated battery upon a homeless
9 person; providing an effective date.

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

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13 Section 1. Subsection (1) of section 775.085, Florida
14 Statutes, is amended to read:

15 775.085 Evidencing prejudice while committing offense;
16 reclassification.--

17 (1)(a) The penalty for any felony or misdemeanor shall be
18 reclassified as provided in this subsection if the commission of
19 such felony or misdemeanor evidences prejudice based on the
20 race, color, ancestry, ethnicity, religion, sexual orientation,
21 national origin, homeless status, mental or physical disability,
22 or advanced age of the victim:

23 1. A misdemeanor of the second degree is reclassified to a
24 misdemeanor of the first degree.

25 2. A misdemeanor of the first degree is reclassified to a
26 felony of the third degree.

27 3. A felony of the third degree is reclassified to a
28 felony of the second degree.

29 4. A felony of the second degree is reclassified to a
30 felony of the first degree.

31 5. A felony of the first degree is reclassified to a life
32 felony.

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

34 1. "Mental or physical disability" means that the victim
35 suffers from a condition of physical or mental incapacitation
36 due to a developmental disability, organic brain damage, or
37 mental illness, and has one or more physical or mental
38 limitations that restrict the victim's ability to perform the
39 normal activities of daily living.

40 2. "Advanced age" means that the victim is older than 65
41 years of age.

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

44 Section 2. Section 784.0815, Florida Statutes, is created
45 to read:

46 784.0815 Assault or battery on homeless persons.--

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

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

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57 Notwithstanding the provisions of s. 948.01, adjudication of
58 guilt or imposition of sentence shall not be suspended,
59 deferred, or withheld.

60 Section 3. This act shall take effect October 1, 2007.