

By Senator Joyner

18-1165-07

See HB 11

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

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

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

775.085 Evidencing prejudice while committing offense;
reclassification.--

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

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

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

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

1 4. A felony of the second degree is reclassified to a
2 felony of the first degree.

3 5. A felony of the first degree is reclassified to a
4 life felony.

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

6 1. "Mental or physical disability" means that the
7 victim suffers from a condition of physical or mental
8 incapacitation due to a developmental disability, organic
9 brain damage, or mental illness, and has one or more physical
10 or mental limitations that restrict the victim's ability to
11 perform the normal activities of daily living.

12 2. "Advanced age" means that the victim is older than
13 65 years of age.

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

16 Section 2. Section 784.0815, Florida Statutes, is
17 created to read:

18 784.0815 Assault or battery on homeless persons.--

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

21 (2) A person who is convicted of an aggravated assault
22 or aggravated battery upon a homeless person shall be
23 sentenced to a minimum term of imprisonment of 3 years and
24 fined not more than \$10,000 and shall also be ordered by the
25 sentencing judge to make restitution to the victim of the
26 offense and to perform up to 500 hours of community service
27 work. Restitution and community service work shall be in
28 addition to any fine or sentence that may be imposed and shall
29 not be in lieu thereof. Notwithstanding the provisions of s.
30 948.01, adjudication of guilt or imposition of sentence shall
31 not be suspended, deferred, or withheld.

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