

By the Committee on Judiciary; and Senators Joyner and Lynn

590-2227-07

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A bill to be entitled

An act relating to criminal offenses against homeless persons; amending s. 775.085, F.S.; reclassifying offenses evidencing prejudice based on the homeless status of the victim; providing a definition; 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.

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

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

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

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

7 2. "Advanced age" means that the victim is older than
8 65 years of age.

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

11 Section 2. This act shall take effect October 1, 2007.

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 SB 1458

16 The committee substitute removes section 2 of the bill, which
17 provided for a minimum mandatory sentence, as well as fines,
18 restitution, and community service, for a person convicted of
an aggravated assault or aggravated battery upon a homeless
person.

19 It renames the bill "an act relating to criminal offenses
20 against homeless persons."
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