

Bill No. SB 184

Barcode 733260

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Lynn) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

784.041 Felony battery; domestic battery by strangulation.--

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

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

(b) Causes great bodily harm, permanent disability, or permanent disfigurement.

(2)(a) A person commits domestic battery by strangulation if the person knowingly and intentionally, against the will of another, impedes the normal breathing or circulation of the blood of a family or household member or of a person with whom he or she is in a dating relationship, so

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1 as to create a risk of or cause great bodily harm by applying
 2 pressure on the throat or neck of the other person or by
 3 blocking the nose or mouth of the other person. This paragraph
 4 does not apply to any act of medical diagnosis, treatment, or
 5 prescription which is authorized under the laws of this state.

6 (b) As used in this subsection, the term:

7 1. "Family or household member" has the same meaning
 8 as in s. 741.28.

9 2. "Dating relationship" means a continuing and
 10 significant relationship of a romantic or intimate nature.

11 ~~(3)(2)~~ A person who commits felony battery or domestic
 12 battery by strangulation commits a felony of the third degree,
 13 punishable as provided in s. 775.082, s. 775.083, or s.
 14 775.084.

15 Section 2. Paragraph (f) of subsection (3) of section
 16 921.0022, Florida Statutes, is amended to read:

17 921.0022 Criminal Punishment Code; offense severity
 18 ranking chart.--

19 (3) OFFENSE SEVERITY RANKING CHART

21 Florida	Felony	
22 Statute	Degree	Description
		(f) LEVEL 6
26 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
28 499.0051(3)	2nd	Forgery of pedigree papers.
29 499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.

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1	499.0051(5)	2nd	Sale of legend drug to
2			unauthorized person.
3	775.0875(1)	3rd	Taking firearm from law
4			enforcement officer.
5	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
6			without intent to kill.
7	784.021(1)(b)	3rd	Aggravated assault; intent to
8			commit felony.
9	784.041	3rd	Felony battery; <u>domestic battery</u>
10			<u>by strangulation.</u>
11	784.048(3)	3rd	Aggravated stalking; credible
12			threat.
13	784.048(5)	3rd	Aggravated stalking of person
14			under 16.
15	784.07(2)(c)	2nd	Aggravated assault on law
16			enforcement officer.
17	784.074(1)(b)	2nd	Aggravated assault on sexually
18			violent predators facility staff.
19	784.08(2)(b)	2nd	Aggravated assault on a person 65
20			years of age or older.
21	784.081(2)	2nd	Aggravated assault on specified
22			official or employee.
23	784.082(2)	2nd	Aggravated assault by detained
24			person on visitor or other
25			detainee.
26	784.083(2)	2nd	Aggravated assault on code
27			inspector.
28	787.02(2)	3rd	False imprisonment; restraining
29			with purpose other than those in
30			s. 787.01.
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1	790.115(2)(d)	2nd	Discharging firearm or weapon on
2			school property.
3	790.161(2)	2nd	Make, possess, or throw
4			destructive device with intent to
5			do bodily harm or damage
6			property.
7	790.164(1)	2nd	False report of deadly explosive,
8			weapon of mass destruction, or
9			act of arson or violence to state
10			property.
11	790.19	2nd	Shooting or throwing deadly
12			missiles into dwellings, vessels,
13			or vehicles.
14	794.011(8)(a)	3rd	Solicitation of minor to
15			participate in sexual activity by
16			custodial adult.
17	794.05(1)	2nd	Unlawful sexual activity with
18			specified minor.
19	800.04(5)(d)	3rd	Lewd or lascivious molestation;
20			victim 12 years of age or older
21			but less than 16 years; offender
22			less than 18 years.
23	800.04(6)(b)	2nd	Lewd or lascivious conduct;
24			offender 18 years of age or
25			older.
26	806.031(2)	2nd	Arson resulting in great bodily
27			harm to firefighter or any other
28			person.
29	810.02(3)(c)	2nd	Burglary of occupied structure;
30			unarmed; no assault or battery.
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1	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
2			but less than \$100,000, grand
3			theft in 2nd degree.
4	812.015(9)	2nd	Retail theft; property stolen
5			\$300 or more; second or
6			subsequent conviction.
7	812.13(2)(c)	2nd	Robbery, no firearm or other
8			weapon (strong-arm robbery).
9	817.034(4)(a)1.	1st	Communications fraud, value
10			greater than \$50,000.
11	817.4821(5)	2nd	Possess cloning paraphernalia
12			with intent to create cloned
13			cellular telephones.
14	825.102(1)	3rd	Abuse of an elderly person or
15			disabled adult.
16	825.102(3)(c)	3rd	Neglect of an elderly person or
17			disabled adult.
18	825.1025(3)	3rd	Lewd or lascivious molestation of
19			an elderly person or disabled
20			adult.
21	825.103(2)(c)	3rd	Exploiting an elderly person or
22			disabled adult and property is
23			valued at less than \$20,000.
24	827.03(1)	3rd	Abuse of a child.
25	827.03(3)(c)	3rd	Neglect of a child.
26	827.071(2)&(3)	2nd	Use or induce a child in a sexual
27			performance, or promote or direct
28			such performance.
29	836.05	2nd	Threats; extortion.
30	836.10	2nd	Written threats to kill or do
31			bodily injury.

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- 1 843.12 3rd Aids or assists person to escape.
- 2 847.0135(2) 3rd Facilitates sexual conduct of or
- 3 with a minor or the visual
- 4 depiction of such conduct.
- 5 914.23 2nd Retaliation against a witness,
- 6 victim, or informant, with bodily
- 7 injury.
- 8 944.35(3)(a)2. 3rd Committing malicious battery upon
- 9 or inflicting cruel or inhuman
- 10 treatment on an inmate or
- 11 offender on community
- 12 supervision, resulting in great
- 13 bodily harm.
- 14 944.40 2nd Escapes.
- 15 944.46 3rd Harboring, concealing, aiding
- 16 escaped prisoners.
- 17 944.47(1)(a)5. 2nd Introduction of contraband
- 18 (firearm, weapon, or explosive)
- 19 into correctional facility.
- 20 951.22(1) 3rd Intoxicating drug, firearm, or
- 21 weapon introduced into county
- 22 facility.

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

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1 An act relating to domestic battery by
2 strangulation; amending s. 784.041, F.S.;
3 providing that it is a third-degree felony to
4 knowingly and intentionally impede the normal
5 breathing or circulation of the blood of
6 another person in specified ways; providing an
7 exception; providing definitions; providing
8 criminal penalties; amending s. 921.0022, F.S.,
9 relating to the offense severity ranking chart
10 of the Criminal Punishment Code; conforming a
11 reference to changes made by the act; providing
12 an effective date.

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