

By the Committee on Criminal Justice; and Senators Dockery and Fasano

591-1895-07

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

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

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

19 784.041 Felony battery; domestic battery by
20 strangulation.--

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

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

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

26 (2)(a) A person commits domestic battery by
27 strangulation if the person knowingly and intentionally,
28 against the will of another, impedes the normal breathing or
29 circulation of the blood of a family or household member or of
30 a person with whom he or she is in a dating relationship, so
31 as to create a risk of or cause great bodily harm by applying

1 pressure on the throat or neck of the other person or by
2 blocking the nose or mouth of the other person. This paragraph
3 does not apply to any act of medical diagnosis, treatment, or
4 prescription which is authorized under the laws of this state.

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

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

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

10 ~~(3)(2)~~ A person who commits felony battery or domestic
11 battery by strangulation commits a felony of the third degree,
12 punishable as provided in s. 775.082, s. 775.083, or s.
13 775.084.

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

16 921.0022 Criminal Punishment Code; offense severity
17 ranking chart.--

18 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.

1	775.0875(1)	3rd	Taking firearm from law
2			enforcement officer.
3	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
4			without intent to kill.
5	784.021(1)(b)	3rd	Aggravated assault; intent to
6			commit felony.
7	784.041	3rd	Felony battery; <u>domestic battery</u>
8			<u>by strangulation</u> .
9	784.048(3)	3rd	Aggravated stalking; credible
10			threat.
11	784.048(5)	3rd	Aggravated stalking of person
12			under 16.
13	784.07(2)(c)	2nd	Aggravated assault on law
14			enforcement officer.
15	784.074(1)(b)	2nd	Aggravated assault on sexually
16			violent predators facility staff.
17	784.08(2)(b)	2nd	Aggravated assault on a person 65
18			years of age or older.
19	784.081(2)	2nd	Aggravated assault on specified
20			official or employee.
21	784.082(2)	2nd	Aggravated assault by detained
22			person on visitor or other
23			detainee.
24	784.083(2)	2nd	Aggravated assault on code
25			inspector.
26	787.02(2)	3rd	False imprisonment; restraining
27			with purpose other than those in
28			s. 787.01.
29	790.115(2)(d)	2nd	Discharging firearm or weapon on
30			school property.
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1	790.161(2)	2nd	Make, possess, or throw
2			destructive device with intent to
3			do bodily harm or damage
4			property.
5	790.164(1)	2nd	False report of deadly explosive,
6			weapon of mass destruction, or
7			act of arson or violence to state
8			property.
9	790.19	2nd	Shooting or throwing deadly
10			missiles into dwellings, vessels,
11			or vehicles.
12	794.011(8)(a)	3rd	Solicitation of minor to
13			participate in sexual activity by
14			custodial adult.
15	794.05(1)	2nd	Unlawful sexual activity with
16			specified minor.
17	800.04(5)(d)	3rd	Lewd or lascivious molestation;
18			victim 12 years of age or older
19			but less than 16 years; offender
20			less than 18 years.
21	800.04(6)(b)	2nd	Lewd or lascivious conduct;
22			offender 18 years of age or
23			older.
24	806.031(2)	2nd	Arson resulting in great bodily
25			harm to firefighter or any other
26			person.
27	810.02(3)(c)	2nd	Burglary of occupied structure;
28			unarmed; no assault or battery.
29	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
30			but less than \$100,000, grand
31			theft in 2nd degree.

1	812.015(9)	2nd	Retail theft; property stolen
2			\$300 or more; second or
3			subsequent conviction.
4	812.13(2)(c)	2nd	Robbery, no firearm or other
5			weapon (strong-arm robbery).
6	817.034(4)(a)1.	1st	Communications fraud, value
7			greater than \$50,000.
8	817.4821(5)	2nd	Possess cloning paraphernalia
9			with intent to create cloned
10			cellular telephones.
11	825.102(1)	3rd	Abuse of an elderly person or
12			disabled adult.
13	825.102(3)(c)	3rd	Neglect of an elderly person or
14			disabled adult.
15	825.1025(3)	3rd	Lewd or lascivious molestation of
16			an elderly person or disabled
17			adult.
18	825.103(2)(c)	3rd	Exploiting an elderly person or
19			disabled adult and property is
20			valued at less than \$20,000.
21	827.03(1)	3rd	Abuse of a child.
22	827.03(3)(c)	3rd	Neglect of a child.
23	827.071(2)&(3)	2nd	Use or induce a child in a sexual
24			performance, or promote or direct
25			such performance.
26	836.05	2nd	Threats; extortion.
27	836.10	2nd	Written threats to kill or do
28			bodily injury.
29	843.12	3rd	Aids or assists person to escape.
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1	847.0135(2)	3rd	Facilitates sexual conduct of or
2			with a minor or the visual
3			depiction of such conduct.
4	914.23	2nd	Retaliation against a witness,
5			victim, or informant, with bodily
6			injury.
7	944.35(3)(a)2.	3rd	Committing malicious battery upon
8			or inflicting cruel or inhuman
9			treatment on an inmate or
10			offender on community
11			supervision, resulting in great
12			bodily harm.
13	944.40	2nd	Escapes.
14	944.46	3rd	Harboring, concealing, aiding
15			escaped prisoners.
16	944.47(1)(a)5.	2nd	Introduction of contraband
17			(firearm, weapon, or explosive)
18			into correctional facility.
19	951.22(1)	3rd	Intoxicating drug, firearm, or
20			weapon introduced into county
21			facility.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 184

- Provides that a person commits domestic battery by strangulation, a Level 6 third degree felony, 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 as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the other person's nose or mouth.
- Defines "family or household member" and "dating relationship."