

By Senator Wise

5-130B-07

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A bill to be entitled

An act relating to domestic violence; amending ss. 741.31 and 784.047, F.S.; providing that if a person willfully violates an injunction for protection against domestic violence, repeat violence, sexual violence, or dating violence, or willfully violates a foreign protection order accorded full faith and credit, by committing an act of domestic violence, repeat violence, sexual violence, or dating violence, the offense for which that person is charged is reclassified; providing an effective date.

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

Section 1. Subsection (4) of section 741.31, Florida Statutes, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.--

(4)(a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to s. 741.30, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, by:

1. Refusing to vacate the dwelling that the parties share;

2. Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

~~3. Committing an act of domestic violence against the petitioner;~~

1 ~~3.4.~~ Committing any other violation of the injunction
2 through an intentional unlawful threat, word, or act to do
3 violence to the petitioner;

4 ~~4.5.~~ Telephoning, contacting, or otherwise
5 communicating with the petitioner directly or indirectly,
6 unless the injunction specifically allows indirect contact
7 through a third party;

8 ~~5.6.~~ Knowingly and intentionally coming within 100
9 feet of the petitioner's motor vehicle, whether or not that
10 vehicle is occupied;

11 ~~6.7.~~ Defacing or destroying the petitioner's personal
12 property, including the petitioner's motor vehicle; or

13 ~~7.8.~~ Refusing to surrender firearms or ammunition if
14 ordered to do so by the court

15
16 commits a misdemeanor of the first degree, punishable as
17 provided in s. 775.082 or s. 775.083.

18 (b)1. It is a violation of s. 790.233, and a
19 misdemeanor of the first degree, punishable as provided in s.
20 775.082 or s. 775.083, for a person to violate a final
21 injunction for protection against domestic violence by having
22 in his or her care, custody, possession, or control any
23 firearm or ammunition.

24 2. It is the intent of the Legislature that the
25 disabilities regarding possession of firearms and ammunition
26 are consistent with federal law. Accordingly, this paragraph
27 ~~does shall~~ not apply to a state or local officer as defined in
28 s. 943.10(14), holding an active certification, who receives
29 or possesses a firearm or ammunition for use in performing
30 official duties on behalf of the officer's employing agency,
31 unless otherwise prohibited by the employing agency.

1 (c) If a person willfully violates an injunction for
2 protection against domestic violence issued under s. 741.30,
3 or a foreign protection order accorded full faith and credit
4 under s. 741.315, by committing an act of domestic violence,
5 the offense for which that person is charged shall be
6 reclassified as follows:

7 1. In the case of a misdemeanor of the first degree,
8 to a felony of the third degree.

9 2. In the case of a felony of the third degree, to a
10 felony of the second degree.

11 3. In the case of a felony of the second degree, to a
12 felony of the first degree.

13 4. In the case of a felony of the first degree or a
14 felony of the first degree punishable by a term of
15 imprisonment not exceeding life, to a life felony.

16 Section 2. Section 784.047, Florida Statutes, is
17 amended to read:

18 784.047 Penalties for violating protective injunction
19 against violators.--

20 (1) A person who willfully violates an injunction for
21 protection against repeat violence, sexual violence, or dating
22 violence, issued pursuant to s. 784.046, or a foreign
23 protection order accorded full faith and credit pursuant to s.
24 741.315, by:

25 ~~(a)(1)~~ Refusing to vacate the dwelling that the
26 parties share;

27 ~~(b)(2)~~ Going to the petitioner's residence, school,
28 place of employment, or a specified place frequented regularly
29 by the petitioner and any named family or household member;

30 ~~(3) Committing an act of repeat violence, sexual~~
31 ~~violence, or dating violence against the petitioner;~~

1 ~~(c)(4)~~ Committing any other violation of the
2 injunction through an intentional unlawful threat, word, or
3 act to do violence to the petitioner; or

4 ~~(d)(5)~~ Telephoning, contacting, or otherwise
5 communicating with the petitioner directly or indirectly,
6 unless the injunction specifically allows indirect contact
7 through a third party;

8
9 commits a misdemeanor of the first degree, punishable as
10 provided in s. 775.082 or s. 775.083.

11 (2) If a person willfully violates an injunction for
12 protection against repeat violence, sexual violence, or dating
13 violence issued under s. 784.046, or a foreign protection
14 order accorded full faith and credit under s. 741.315, by
15 committing an act of repeat violence, sexual violence, or
16 dating violence, the offense for which that person is charged
17 shall be reclassified as follows:

18 (a) In the case of a misdemeanor of the first degree,
19 to a felony of the third degree.

20 (b) In the case of a felony of the third degree, to a
21 felony of the second degree.

22 (c) In the case of a felony of the second degree, to a
23 felony of the first degree.

24 (d) In the case of a felony of the first degree or a
25 felony of the first degree punishable by a term of
26 imprisonment not exceeding life, to a life felony.

27 Section 3. This act shall take effect July 1, 2007.
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SENATE SUMMARY

Provides that if a person willfully violates an injunction for protection against domestic violence, repeat violence, sexual violence, or dating violence, or violates a foreign protection order accorded full faith and credit, by committing an act of domestic violence, repeat violence, sexual violence, or dating violence, the offense for which that person is charged shall be reclassified.