

1 A bill to be entitled
 2 An act relating to offenses against officers; amending s.
 3 776.051, F.S.; providing that a person is not justified in
 4 resisting with violence a law enforcement officer who is
 5 engaged in the execution of a legal duty, regardless of a
 6 specified later finding by a court; providing that a
 7 person is not justified in using force if a law
 8 enforcement officer acts in good faith and is known or
 9 appears to be a law enforcement officer; amending s.
 10 784.07, F.S.; providing for reclassification of certain
 11 offenses against certain officers who are engaged in the
 12 performance of duties; amending s. 843.01, F.S.; providing
 13 criminal penalties for resisting with violence an officer
 14 who is executing a legal duty; amending s. 843.02, F.S.;
 15 providing criminal penalties for resisting without
 16 violence an officer who is executing a legal duty;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 776.051, Florida Statutes, is amended
 22 to read:

23 776.051 Use of force in resisting or making an arrest or
 24 the execution of a legal duty; prohibition.--

25 (1) A person is not justified in the use of force to
 26 resist an arrest by a law enforcement officer or to resist a law
 27 enforcement officer who is engaged in the execution of a legal
 28 duty, regardless of whether a court later finds that the action

29 of the law enforcement officer was unlawful, if the law
 30 enforcement officer was acting in good faith and he or she ~~who~~
 31 is known, or reasonably appears, to be a law enforcement
 32 officer.

33 (2) A law enforcement officer, or any person whom the
 34 officer has summoned or directed to assist him or her, is not
 35 justified in the use of force if the arrest or execution of a
 36 legal duty is unlawful and known by him or her to be unlawful.

37 Section 2. Subsection (2) of section 784.07, Florida
 38 Statutes, is amended to read:

39 784.07 Assault or battery of law enforcement officers,
 40 firefighters, emergency medical care providers, public transit
 41 employees or agents, or other specified officers;
 42 reclassification of offenses; minimum sentences.--

43 (2) Whenever any person is charged with knowingly
 44 committing an assault or battery upon a law enforcement officer,
 45 a firefighter, an emergency medical care provider, a traffic
 46 accident investigation officer as described in s. 316.640, a
 47 nonsworn law enforcement agency employee who is certified as an
 48 agency inspector, blood alcohol analyst, or a breath test
 49 operator while such employee is in uniform and engaged in
 50 processing, testing, evaluating, analyzing, or transporting a
 51 person who is detained or under arrest for DUI, a traffic
 52 infraction enforcement officer as described in s. 316.640, a
 53 parking enforcement specialist as defined in s. 316.640, a
 54 person licensed as a security officer as defined in s. 493.6101
 55 and wearing a uniform that bears at least one patch or emblem
 56 that is visible at all times that clearly identifies the

57 | employing agency and that clearly identifies the person as a
58 | licensed security officer, or a security officer employed by the
59 | board of trustees of a community college, while the officer,
60 | firefighter, emergency medical care provider, intake officer,
61 | traffic accident investigation officer, traffic infraction
62 | enforcement officer, inspector, analyst, operator, parking
63 | enforcement specialist, public transit employee or agent, or
64 | security officer is engaged in the ~~lawful~~ performance of his or
65 | her duties, the offense for which the person is charged shall be
66 | reclassified as follows:

67 | (a) In the case of assault, from a misdemeanor of the
68 | second degree to a misdemeanor of the first degree.

69 | (b) In the case of battery, from a misdemeanor of the
70 | first degree to a felony of the third degree.

71 | (c) In the case of aggravated assault, from a felony of
72 | the third degree to a felony of the second degree.

73 | Notwithstanding any other provision of law, any person convicted
74 | of aggravated assault upon a law enforcement officer shall be
75 | sentenced to a minimum term of imprisonment of 3 years.

76 | (d) In the case of aggravated battery, from a felony of
77 | the second degree to a felony of the first degree.

78 | Notwithstanding any other provision of law, any person convicted
79 | of aggravated battery of a law enforcement officer shall be
80 | sentenced to a minimum term of imprisonment of 5 years.

81 | Section 3. Section 843.01, Florida Statutes, is amended to
82 | read:

83 | 843.01 Resisting officer with violence to his or her
84 | person.--Whoever knowingly and willfully resists, obstructs, or

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85 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
86 (7), (8), or (9); member of the Parole Commission or any
87 administrative aide or supervisor employed by the commission;
88 parole and probation supervisor; county probation officer;
89 personnel or representative of the Department of Law
90 Enforcement; or other person legally authorized to execute
91 process in the execution of legal process or in the ~~lawful~~
92 execution of any legal duty, by offering or doing violence to
93 the person of such officer or legally authorized person, commits
94 ~~is guilty of~~ a felony of the third degree, punishable as
95 provided in s. 775.082, s. 775.083, or s. 775.084.

96 Section 4. Section 843.02, Florida Statutes, is amended to
97 read:

98 843.02 Resisting officer without violence to his or her
99 person.--Whoever shall resist, obstruct, or oppose any officer
100 as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9);
101 member of the Parole Commission or any administrative aide or
102 supervisor employed by the commission; county probation officer;
103 parole and probation supervisor; personnel or representative of
104 the Department of Law Enforcement; or other person legally
105 authorized to execute process in the execution of legal process
106 or in the ~~lawful~~ execution of any legal duty, without offering
107 or doing violence to the person of the officer, commits ~~shall be~~
108 ~~guilty of~~ a misdemeanor of the first degree, punishable as
109 provided in s. 775.082 or s. 775.083.

110 Section 5. This act shall take effect July 1, 2007.