

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Criminal Justice Committee

BILL: SB 614

INTRODUCER: Senator Crist

SUBJECT: Federal Law Enforcement Officers

DATE: March 19, 2007 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	<u>JA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Currently, s. 784.07, F.S., reclassifies the felony or misdemeanor degree of assault or battery offenses when those offenses are knowingly committed on such persons as firefighters, emergency medical care providers, law enforcement officers, and other specific persons. The bill redefines the term “law enforcement officer” under s. 784.07, F.S., to include federal law enforcement officers for the purpose of reclassifying the felony or misdemeanor degree of assault or battery offenses when those offenses are knowingly committed on a federal law enforcement officer.

This bill substantially amends section 787.07, Florida Statutes. The bill reenacts the following provisions of sections of the Florida Statutes: 435.04(3)(a); 901.15(15); 921.0022(3)(d), (f), and (g); 943.051(3)(b); and 985.11(1)(b).

II. Present Situation:

Currently, s. 784.07, F.S., provides for reclassification of the felony or misdemeanor degree of assault, aggravated assault, battery, or aggravated battery when a person is charged with knowingly committing any of these offenses upon a law enforcement officer, firefighter, emergency medical care provider, traffic accident investigation officer, traffic infraction enforcement officer, or parking enforcement officer employed by the board of trustees of a community college while the officer, or a firefighter or emergency medical care provider who is engaged in the lawful performance of his or her duties. The offenses are reclassified as follows:

- In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

- In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.
- In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.
- In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

Reclassifying an offense has the effect of increasing the maximum sentence that can be imposed for an offense. The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony. Section 775.082, F.S., provides the following maximum penalties based on misdemeanor or felony degree: 60 days of incarceration for a second degree misdemeanor; one year of incarceration for a first degree misdemeanor; 5 years imprisonment for a third degree felony; 15 years imprisonment for a second degree felony; and (generally) 30 years imprisonment for a first degree felony.

Section 784.07, F.S., defines the term “law enforcement officer” by reference to the definition of that term in s. 943.10, F.S. The definition of “law enforcement officer” in s. 943.10(1), F.S., does not include federal law enforcement officers.¹

18 USC § 111 provides that forcible assault on any officer or employee of the United States or any agency in any branch of the United States Government while the officer or employee is engaged in or on account of the performance of official duties is punishable by imprisonment of not more than 8 years. However, if the person, in the commission of the act, uses a deadly or dangerous weapon or inflicts bodily injury, the act is punishable by imprisonment of not more than 20 years.

III. Effect of Proposed Changes:

The bill amends s. 784.07, F.S., to add the term “federal law enforcement officer,” which it defines by reference to the definition of that term in s. 901.1505, F.S. Section 901.1505(1), F.S., defines “federal law enforcement officer” as “a person who is employed by the Federal Government as a full-time law enforcement officer as defined by applicable provisions of the United States Code, who is empowered to effect an arrest for violations of the United States Code, who is authorized to carry firearms in the performance of her or his duties, and who has received law enforcement training equivalent to that prescribed in s. 943.13.”

As a result of this amendment, an assault, aggravated assault, battery, or aggravated battery upon a federal law enforcement officer will be reclassified to the next higher misdemeanor or felony degree, as applicable. The maximum sentence for the reclassified offense is greater than the

¹ Subsection (1) defines “law enforcement officer” as “any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.”

maximum sentence for the offense committed. (See “Present Situation” section of this analysis for a description of maximum penalties.)

The bill also reenacts: s. 435.04(3)(a), F.S. (Level 2 screening standards); s. 901.15(15), F.S. (arrest without a warrant); s. 921.0022(3)(d), (f), and (g), F.S. (offense severity ranking chart); s. 943.051(3)(b), F.S. (fingerprinting of minors); and s. 985.11(1)(b), F.S. (fingerprinting and photographing of a minor), to incorporate the amendment to s. 784.07, F.S., in references thereto.

The bill takes effect on July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference met on February 16th and determined that the bill will have an insignificant prison bed impact on the Department of Corrections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
