

By Senator Dockery

15-00479B-08

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1 A bill to be entitled

2 An act relating to orders of no contact; amending s.
3 921.244, F.S.; requiring that offenders convicted of
4 specified violent offenses be prohibited from having any
5 contact with the victim; providing that a guardian ad
6 litem of a child victim may request the court to
7 reconsider the order prohibiting the offender from having
8 contact with the child victim under certain circumstances;
9 providing penalties; providing that the penalty for
10 violation of such an order run consecutive to the sentence
11 for the original violation; providing an effective date.

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

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15 Section 1. Section 921.244, Florida Statutes, is amended to
16 read:

17 921.244 Order of no contact; penalties.--

18 (1) If, at the time of sentencing, an offender is convicted
19 of a violation of s. 794.011 or s. 800.04 or convicted of
20 committing:

21 (a) Arson;

22 (b) Sexual battery;

23 (c) Robbery;

24 (d) Kidnapping;

25 (e) Aggravated child abuse;

26 (f) Aggravated abuse of an elderly person or disabled
27 adult;

28 (g) Aggravated assault with a deadly weapon;

29 (h) Murder;

15-00479B-08

2008622__

30 (i) Manslaughter;

31 (j) Aggravated manslaughter of an elderly person or
32 disabled adult;

33 (k) Aggravated manslaughter of a child;

34 (l) Unlawful throwing, placing, or discharging of a
35 destructive device or bomb;

36 (m) Armed burglary;

37 (n) Aggravated battery; or

38 (o) Aggravated stalking,

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40 the court shall order that the offender be prohibited from having
41 any contact with the victim, directly or indirectly, including
42 through a third person, for the duration of the sentence imposed.
43 The court may reconsider the order upon the request of the victim
44 if the request is made at any time after the victim has attained
45 18 years of age or upon the request of a guardian ad litem on
46 behalf of a child victim if the guardian ad litem affirms that he
47 or she believes that the contact would not be harmful to the
48 child. In considering the request, the court shall conduct an
49 evidentiary hearing to determine whether a change of
50 circumstances has occurred which warrants a change in the court
51 order prohibiting contact and whether it is in the best interest
52 of the victim that the court order be modified or rescinded.

53 (2) Any offender who violates a court order issued under
54 this section commits a felony of the third degree, punishable as
55 provided in s. 775.082, s. 775.083, or s. 775.084.

56 (3) The punishment imposed for a violation of subsection
57 (2) under this section shall run consecutive to any former
58 sentence imposed for a conviction for any offense under s.

15-00479B-08

2008622__

59 794.011 or s. 800.04 or for a conviction for committing:
60 (a) Arson;
61 (b) Sexual battery;
62 (c) Robbery;
63 (d) Kidnapping;
64 (e) Aggravated child abuse;
65 (f) Aggravated abuse of an elderly person or disabled
66 adult;
67 (g) Aggravated assault with a deadly weapon;
68 (h) Murder;
69 (i) Manslaughter;
70 (j) Aggravated manslaughter of an elderly person or
71 disabled adult;
72 (k) Aggravated manslaughter of a child;
73 (l) Unlawful throwing, placing, or discharging of a
74 destructive device or bomb;
75 (m) Armed burglary;
76 (n) Aggravated battery; or
77 (o) Aggravated stalking.
78 Section 2. This act shall take effect October 1, 2008.