

1 A bill to be entitled
 2 An act relating to assault or battery on homeless persons;
 3 amending s. 775.085, F.S.; reclassifying offenses
 4 evidencing prejudice based on the homeless status of the
 5 victim; providing a definition; providing an effective
 6 date.

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

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 10 Section 1. Subsection (1) of section 775.085, Florida
 11 Statutes, is amended to read:

12 775.085 Evidencing prejudice while committing offense;
 13 reclassification.--

14 (1)(a) The penalty for any felony or misdemeanor shall be
 15 reclassified as provided in this subsection if the commission of
 16 such felony or misdemeanor evidences prejudice based on the
 17 race, color, ancestry, ethnicity, religion, sexual orientation,
 18 national origin, homeless status, mental or physical disability,
 19 or advanced age of the victim:

20 1. A misdemeanor of the second degree is reclassified to a
 21 misdemeanor of the first degree.

22 2. A misdemeanor of the first degree is reclassified to a
 23 felony of the third degree.

24 3. A felony of the third degree is reclassified to a
 25 felony of the second degree.

26 4. A felony of the second degree is reclassified to a
 27 felony of the first degree.

HB 81

2008

28 5. A felony of the first degree is reclassified to a life
29 felony.

30 (b) As used in paragraph (a), the term:

31 1. "Mental or physical disability" means that the victim
32 suffers from a condition of physical or mental incapacitation
33 due to a developmental disability, organic brain damage, or
34 mental illness, and has one or more physical or mental
35 limitations that restrict the victim's ability to perform the
36 normal activities of daily living.

37 2. "Advanced age" means that the victim is older than 65
38 years of age.

39 3. "Homeless status" means that the victim is homeless as
40 the term is defined in s. 420.621.

41 Section 2. This act shall take effect October 1, 2008.