

By Senator Detert

23-01137-09

2009864__

1 A bill to be entitled
 2 An act relating to inappropriate or excessively harsh
 3 corporal discipline; amending s. 39.301, F.S.;
 4 including inappropriate or excessively harsh corporal
 5 discipline in the definition of "criminal conduct" for
 6 purposes of protective investigations; creating s.
 7 827.032, F.S.; defining "inappropriate or excessively
 8 harsh corporal discipline"; prohibiting parents, legal
 9 custodians, or caregivers from inflicting
 10 inappropriate or excessively harsh corporal
 11 discipline; providing penalties; providing
 12 applicability; amending s. 921.0022, F.S.; including
 13 offenses involving inappropriate or excessively harsh
 14 corporal discipline within the offense severity
 15 ranking chart of the Criminal Punishment Code;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Paragraph (b) of subsection (2) of section
 21 39.301, Florida Statutes, is amended to read:

22 39.301 Initiation of protective investigations.—

23 (2)

24 (b) As used in this subsection, the term "criminal conduct"
 25 means:

26 1. A child is known or suspected to be the victim of child
 27 abuse, as defined in s. 827.03; ~~or~~ of neglect of a child, as
 28 defined in s. 827.03; or of inappropriate or excessively harsh
 29 corporal discipline, as defined in s. 827.032.

23-01137-09

2009864__

30 2. A child is known or suspected to have died as a result
31 of abuse or neglect.

32 3. A child is known or suspected to be the victim of
33 aggravated child abuse, as defined in s. 827.03.

34 4. A child is known or suspected to be the victim of sexual
35 battery, as defined in s. 827.071, or of sexual abuse, as
36 defined in s. 39.01.

37 5. A child is known or suspected to be the victim of
38 institutional child abuse or neglect, as defined in s. 39.01,
39 and as provided for in s. 39.302(1).

40 6. A child is known or suspected to be a victim of human
41 trafficking, as provided in s. 787.06.

42 Section 2. Section 827.032, Florida Statutes, is created to
43 read:

44 827.032 Inappropriate or excessively harsh corporal
45 discipline; penalties.—

46 (1) As used in this section, the term "inappropriate or
47 excessively harsh corporal discipline" means an act of
48 discipline that results or could reasonably be expected to
49 result in any of the following or other similar injuries:

50 (a) Sprains, dislocations, or cartilage damage.

51 (b) Bone or skull fractures.

52 (c) Brain or spinal cord damage.

53 (d) Intracranial hemorrhage or injury to other internal
54 organs.

55 (e) Asphyxiation, suffocation, or drowning.

56 (f) Injury resulting from the use of a deadly weapon.

57 (g) Burns or scalding.

58 (h) Cuts, lacerations, punctures, or bites.

23-01137-09

2009864__

- 59 (i) Disfigurement.
- 60 (j) Loss or impairment of a body part or function.
- 61 (k) Significant bruises or welts.
- 62 (l) Mental injury, as defined in s. 39.01.
- 63 (2) A parent, legal custodian, or caregiver who knowingly
- 64 or willfully inflicts inappropriate or excessively harsh
- 65 corporal discipline upon a child commits a felony of the third
- 66 degree, punishable as provided in s. 775.082, s. 775.083, or s.
- 67 775.084.
- 68 (3) This section does not preclude prosecution under s.
- 69 827.03 when the offender is charged with a violation of s.
- 70 827.03 in lieu of this section.

71 Section 3. Paragraph (f) of subsection (3) of section
 72 921.0022, Florida Statutes, is amended to read:

73 921.0022 Criminal Punishment Code; offense severity ranking
 74 chart.—

- 75 (3) OFFENSE SEVERITY RANKING CHART
- 76 (f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051 (3)	2nd	Knowing forgery of pedigree papers.
499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.

23-01137-09

2009864__

80
81
82
83
84
85
86
87
88
89
90

499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048 (3)	3rd	Aggravated stalking; credible threat.
784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.

	23-01137-09		2009864__
91	784.081 (2)	2nd	Aggravated assault on specified official or employee.
92	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
93	784.083 (2)	2nd	Aggravated assault on code inspector.
94	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
95	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
96	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
97	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
98	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
99	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
	794.05 (1)	2nd	Unlawful sexual activity with specified

23-01137-09

2009864__

100
101
102
103
104
105
106
107
108

minor.

800.04 (5) (d) 3rd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.

800.04 (6) (b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

810.02 (3) (c) 2nd Burglary of occupied structure; unarmed; no assault or battery.

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

812.13 (2) (c) 2nd Robbery, no firearm or other weapon

23-01137-09

2009864__

(strong-arm robbery).

109

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

110

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

111

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

112

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

113

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

114

825.103 (2) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

115

827.03 (1) 3rd Abuse of a child.

116

827.03 (3) (c) 3rd Neglect of a child.

117

827.032 3rd Inappropriate or excessively harsh corporal discipline by a parent, legal custodian, or caregiver upon a child.

23-01137-09

2009864__

118

827.071(2) & 2nd Use or induce a child in a sexual
(3) performance, or promote or direct such
performance.

119

836.05 2nd Threats; extortion.

120

836.10 2nd Written threats to kill or do bodily
injury.

121

843.12 3rd Aids or assists person to escape.

122

847.011 3rd Distributing, offering to distribute, or
possessing with intent to distribute
obscene materials depicting minors.

123

847.012 3rd Knowingly using a minor in the
production of materials harmful to
minors.

124

847.0135(2) 3rd Facilitates sexual conduct of or with a
minor or the visual depiction of such
conduct.

125

914.23 2nd Retaliation against a witness, victim,
or informant, with bodily injury.

126

944.35(3)(a)2. 3rd Committing malicious battery upon or

23-01137-09

2009864__

inflicting cruel or inhuman treatment on
 an inmate or offender on community
 supervision, resulting in great bodily
 harm.

127

944.40 2nd Escapes.

128

944.46 3rd Harboring, concealing, aiding escaped
 prisoners.

129

944.47(1)(a)5. 2nd Introduction of contraband (firearm,
 weapon, or explosive) into correctional
 facility.

130

951.22(1) 3rd Intoxicating drug, firearm, or weapon
 introduced into county facility.

131

132 Section 4. This act shall take effect July 1, 2009.