

HB 11

2010

1 A bill to be entitled
 2 An act relating to crimes against 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.

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:

40 a. Lacks a fixed, regular, and adequate nighttime
 41 residence; or

42 b. Has a primary nighttime residence that is:

43 (I) A supervised publicly or privately operated shelter
 44 designed to provide temporary living accommodations; or

45 (II) A public or private place not designed for, or
 46 ordinarily used as, a regular sleeping accommodation for human
 47 beings.

48 Section 2. This act shall take effect October 1, 2010.