

1                                   A bill to be entitled  
 2           An act relating to offenses on the grounds of religious  
 3           institutions; amending s. 775.0861, F.S.; deleting the  
 4           definition of "religious service"; providing for the  
 5           reclassification the crimes of theft and burglary  
 6           committed on the grounds of religious institutions;  
 7           deleting the requirement that the section apply only to  
 8           crimes committed against a person while the victim is on  
 9           the property for the purpose of participating in or  
 10          attending a religious service; providing an effective  
 11          date.

12  
 13   Be It Enacted by the Legislature of the State of Florida:

14  
 15          Section 1.   Section 775.0861, Florida Statutes, is amended  
 16          to read:

17          775.0861   Certain offenses ~~against persons~~ on the grounds  
 18          of religious institutions; reclassification.—

- 19           (1)   For purposes of this section, the term:
- 20           ~~(a) "religious institution" is as defined in s. 496.404.~~
- 21           ~~(b) "Religious service" is a religious ceremony, prayer,~~  
 22           ~~or other activity according to a form and order prescribed for~~  
 23           ~~worship, including a service related to a particular occasion.~~

- 24           (2)   The felony or misdemeanor degree of any violation of:
- 25           (a)   Section 784.011, relating to assault;
- 26           (b)   Section 784.021, relating to aggravated assault;
- 27           (c)   Section 784.03, relating to battery;
- 28           (d)   Section 784.041, relating to felony battery;

29        (e) Section 810.02, relating to burglary;  
 30        (f) Section 812.014, relating to theft;  
 31        (g)~~(e)~~ A statute defining any offense listed in s.  
 32 775.084(1)(b)1.; or  
 33        (h)~~(f)~~ Any other statute defining an offense that involves  
 34 the use or threat of physical force or violence against any  
 35 individual  
 36  
 37 shall be reclassified as provided in this section if the offense  
 38 is committed on the property of a religious institution ~~while~~  
 39 ~~the victim is on the property for the purpose of participating~~  
 40 ~~in or attending a religious service.~~  
 41        (3) (a) In the case of a misdemeanor of the second degree,  
 42 the offense is reclassified to a misdemeanor of the first  
 43 degree.  
 44        (b) In the case of a misdemeanor of the first degree, the  
 45 offense is reclassified to a felony of the third degree. For  
 46 purposes of sentencing under chapter 921, such offense is ranked  
 47 in level 2 of the offense severity ranking chart.  
 48        (c) In the case of a felony of the third degree, the  
 49 offense is reclassified to a felony of the second degree.  
 50        (d) In the case of a felony of the second degree, the  
 51 offense is reclassified to a felony of the first degree.  
 52        (e) In the case of a felony of the first degree, the  
 53 offense is reclassified to a life felony.  
 54  
 55 For purposes of sentencing under chapter 921 and determining  
 56 incentive gain-time eligibility under chapter 944, a felony

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57 | offense that is reclassified under this subsection is ranked one  
58 | level above the ranking under s. 921.0022 or s. 921.0023 of the  
59 | offense committed.

60 |       Section 2. This act shall take effect July 1, 2010.