

1 A bill to be entitled
 2 An act relating to assault or battery of law enforcement
 3 officers or firefighters; amending s. 784.07, F.S.;
 4 increasing the mandatory minimum term of imprisonment for
 5 battery of a law enforcement officer or firefighter with a
 6 firearm or destructive device; increasing the mandatory
 7 minimum term of imprisonment for such a battery while
 8 possessing a semiautomatic firearm and its high-capacity
 9 detachable box magazine or a machine gun; providing an
 10 effective date.

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

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14 Section 1. Subsection (3) of section 784.07, Florida
 15 Statutes, is amended to read:

16 784.07 Assault or battery of law enforcement officers,
 17 firefighters, emergency medical care providers, public transit
 18 employees or agents, or other specified officers;
 19 reclassification of offenses; minimum sentences.—

20 (3) (a) Except as provided in paragraph (b), any person who
 21 is convicted of a battery under paragraph (2) (b) and, during the
 22 commission of the offense, such person possessed:

23 ~~1.(a)~~ A "firearm" or "destructive device" as those terms
 24 are defined in s. 790.001, shall be sentenced to a minimum term
 25 of imprisonment of 3 years.

26 ~~2.(b)~~ A semiautomatic firearm and its high-capacity
 27 detachable box magazine, as defined in s. 775.087(3), or a
 28 machine gun as defined in s. 790.001, shall be sentenced to a

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29 minimum term of imprisonment of 8 years.

30 (b) Any person who is convicted of a battery under
31 paragraph (2) (b) on a law enforcement officer or a firefighter
32 and, during the commission of the offense, such person used:

33 1. A "firearm" or "destructive device" as those terms are
34 defined in s. 790.001, shall be sentenced to a minimum term of
35 imprisonment of 20 years.

36 2. A semiautomatic firearm and its high-capacity
37 detachable box magazine, as defined in s. 775.087(3), or a
38 machine gun as defined in s. 790.001, shall be sentenced to a
39 minimum term of imprisonment of 25 years.

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41 Notwithstanding s. 948.01, adjudication of guilt or imposition
42 of sentence shall not be suspended, deferred, or withheld, and
43 the defendant is not eligible for statutory gain-time under s.
44 944.275 or any form of discretionary early release, other than
45 pardon or executive clemency, or conditional medical release
46 under s. 947.149, prior to serving the minimum sentence.

47 Section 2. This act shall take effect October 1, 2011.