

By Senator Diaz de la Portilla

36-01607-11

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1 A bill to be entitled

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

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

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

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

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

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

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

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30 minimum term of imprisonment of 8 years.

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

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

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

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

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