

By the Committee on Criminal Justice; and Senator Diaz de la Portilla

591-04457-11

20111808c1

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

591-04457-11

20111808c1

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 10 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 12 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.