



255662

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/04/2014	.	
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The Committee on Judiciary (Bradley) recommended the following:

Senate Amendment

Delete lines 185 - 242
and insert:

(c) A person commits a felony of the first degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084
if the person is an offender 18 years of age or older who
commits lewd or lascivious battery and was previously convicted
of a violation of:

1. Section 787.01(2) or s. 787.02(2) when the violation
involved a victim who was a minor and, in the course of



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12 committing that violation, the defendant committed against the
13 minor a sexual battery under chapter 794 or a lewd act under
14 this section or s. 847.0135(5);

15 2. Section 787.01(3)(a)2. or 3.;

16 3. Section 787.02(3)(a)2. or 3.;

17 4. Chapter 794, excluding s. 794.011(10);

18 5. Section 825.1025;

19 6. Section 847.0135(5); or

20 7. This section.

21 ~~(a) Engages in sexual activity with a person 12 years of~~
22 ~~age or older but less than 16 years of age; or~~

23 ~~(b) Encourages, forces, or entices any person less than 16~~
24 ~~years of age to engage in sadomasochistic abuse, sexual~~
25 ~~bestiality, prostitution, or any other act involving sexual~~
26 ~~activity~~

27
28 ~~commits lewd or lascivious battery, a felony of the second~~
29 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
30 ~~775.084.~~

31 (5) LEWD OR LASCIVIOUS MOLESTATION.—

32 (a) A person who intentionally touches in a lewd or
33 lascivious manner the breasts, genitals, genital area, or
34 buttocks, or the clothing covering them, of a person less than
35 16 years of age, or forces or entices a person under 16 years of
36 age to so touch the perpetrator, commits lewd or lascivious
37 molestation.

38 (b) An offender 18 years of age or older who commits lewd
39 or lascivious molestation against a victim less than 12 years of
40 age commits a life felony, punishable as provided in s.



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41 775.082(3)(a)4.

42 (c)1. An offender less than 18 years of age who commits
43 lewd or lascivious molestation against a victim less than 12
44 years of age; or

45 2. An offender 18 years of age or older who commits lewd or
46 lascivious molestation against a victim 12 years of age or older
47 but less than 16 years of age

48
49 commits a felony of the second degree, punishable as provided in
50 s. 775.082, s. 775.083, or s. 775.084.

51 (d) An offender less than 18 years of age who commits lewd
52 or lascivious molestation against a victim 12 years of age or
53 older but less than 16 years of age commits a felony of the
54 third degree, punishable as provided in s. 775.082, s. 775.083,
55 or s. 775.084.

56 (e) A person commits a felony of the first degree,
57 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
58 if the person is 18 years of age or older and commits lewd or
59 lascivious molestation against a victim 12 years of age or older
60 but less than 16 years of age and the person was previously
61 convicted of a violation of:

62 1. Section 787.01(2) or s. 787.02(2) when the violation
63 involved a victim who was a minor and, in the course of
64 committing the violation, the defendant committed against the
65 minor a sexual battery under chapter 794 or a lewd act under
66 this section or s. 847.0135(5);

67 2. Section 787.01(3)(a)2. or 3.;

68 3. Section 787.02(3)(a)2. or 3.;

69 4. Chapter 794, excluding s. 794.011(10);



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- 70 5. Section 825.1025;
- 71 6. Section 847.0135(5); or
- 72 7. This section.
- 73