

By Senator Abruzzo

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1 A bill to be entitled

2 An act relating to violation of an injunction for
3 protection against domestic violence; amending s.
4 741.31, F.S.; providing enhanced criminal penalties
5 for a third or subsequent violation of an injunction
6 for protection against domestic violence or a foreign
7 protection order issued under specified provisions;
8 providing an effective date.

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

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12 Section 1. Subsection (4) of section 741.31, Florida
13 Statutes, is amended to read:

14 741.31 Violation of an injunction for protection against
15 domestic violence.—

16 (4) (a) A person who willfully violates an injunction for
17 protection against domestic violence issued pursuant to s.
18 741.30, or a foreign protection order accorded full faith and
19 credit pursuant to s. 741.315, by:

20 1. Refusing to vacate the dwelling that the parties share;

21 2. Going to, or being within 500 feet of, the petitioner's
22 residence, school, place of employment, or a specified place
23 frequented regularly by the petitioner and any named family or
24 household member;

25 3. Committing an act of domestic violence against the
26 petitioner;

27 4. Committing any other violation of the injunction through
28 an intentional unlawful threat, word, or act to do violence to
29 the petitioner;

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30 5. Telephoning, contacting, or otherwise communicating with
31 the petitioner directly or indirectly, unless the injunction
32 specifically allows indirect contact through a third party;

33 6. Knowingly and intentionally coming within 100 feet of
34 the petitioner's motor vehicle, whether or not that vehicle is
35 occupied;

36 7. Defacing or destroying the petitioner's personal
37 property, including the petitioner's motor vehicle; or

38 8. Refusing to surrender firearms or ammunition if ordered
39 to do so by the court

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41 commits a misdemeanor of the first degree, punishable as
42 provided in s. 775.082 or s. 775.083, except as provided in
43 paragraph (c).

44 (b)1. It is a violation of s. 790.233, and a misdemeanor of
45 the first degree, punishable as provided in s. 775.082 or s.
46 775.083, for a person to violate a final injunction for
47 protection against domestic violence by having in his or her
48 care, custody, possession, or control any firearm or ammunition.

49 2. It is the intent of the Legislature that the
50 disabilities regarding possession of firearms and ammunition are
51 consistent with federal law. Accordingly, this paragraph shall
52 not apply to a state or local officer as defined in s.
53 943.10(14), holding an active certification, who receives or
54 possesses a firearm or ammunition for use in performing official
55 duties on behalf of the officer's employing agency, unless
56 otherwise prohibited by the employing agency.

57 (c) A person who has two or more prior convictions for
58 violation of an injunction and who commits any third or

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59 subsequent violation commits a felony of the third degree,
60 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
61 For purposes of this paragraph, the term "conviction" means a
62 determination of guilt that is the result of a plea or a trial,
63 regardless of whether adjudication is withheld or a plea of nolo
64 contendere is entered.

65 Section 2. This act shall take effect October 1, 2015.