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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/27/2017	.	
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The Committee on Criminal Justice (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 836.10, Florida Statutes, is amended to
read:

836.10 Written threats to kill or do bodily injury;
punishment.—

(1) It is unlawful for a Any person to make ~~who writes or
composes and also sends or procures the sending of any letter,~~



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11 ~~inscribed communication, or electronic communication, whether~~
12 ~~such letter or communication be signed or anonymous, to any~~
13 ~~person, containing a threat to kill or to do bodily injury to~~
14 another the person:

15 (a) In a writing or other record, including an electronic
16 record; or

17 (b) By posting or transmitting, or procuring the posting or
18 transmission, in a manner that would allow any person to view
19 the threat.

20 (2) A person who violates paragraph (1)(a) to whom such
21 ~~letter or communication is sent, or a threat to kill or do~~
22 ~~bodily injury to any member of the family of the person to whom~~
23 ~~such letter or communication is sent~~ commits a felony of the
24 second degree, punishable as provided in s. 775.082, s. 775.083,
25 or s. 775.084.

26 (3) A person who violates paragraph (1)(b) commits a
27 misdemeanor of the first degree, punishable as provided in s.
28 775.082 or s. 775.083.

29 (4) For purposes of this section, the term "electronic
30 record" means relating to technology having electrical, digital,
31 magnetic, wireless, optical, electromagnetic, or similar
32 capabilities.

33 Section 2. For the purpose of incorporating the amendment
34 made by this act to section 836.10, Florida Statutes, in a
35 reference thereto, subsection (1) of section 794.056, Florida
36 Statutes, is reenacted to read:

37 794.056 Rape Crisis Program Trust Fund.—

38 (1) The Rape Crisis Program Trust Fund is created within
39 the Department of Health for the purpose of providing funds for



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40 rape crisis centers in this state. Trust fund moneys shall be
41 used exclusively for the purpose of providing services for
42 victims of sexual assault. Funds credited to the trust fund
43 consist of those funds collected as an additional court
44 assessment in each case in which a defendant pleads guilty or
45 nolo contendere to, or is found guilty of, regardless of
46 adjudication, an offense provided in s. 775.21(6) and (10)(a),
47 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
48 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
49 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
50 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
51 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
52 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
53 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
54 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
55 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
56 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
57 fund also shall include revenues provided by law, moneys
58 appropriated by the Legislature, and grants from public or
59 private entities.

60 Section 3. Subsection (17) is added to section 901.15,
61 Florida Statutes, to read:

62 901.15 When arrest by officer without warrant is lawful.—A
63 law enforcement officer may arrest a person without a warrant
64 when:

65 (17) There is probable cause to believe that the person has
66 committed a criminal act of threat to kill or do bodily injury
67 as described in s. 836.10(1)(b).

68 Section 4. Paragraph (f) of subsection (3) of section



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69 921.0022, Florida Statutes, is amended to read:
70 921.0022 Criminal Punishment Code; offense severity ranking
71 chart.—

72 (3) OFFENSE SEVERITY RANKING CHART

73 (f) LEVEL 6

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Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.

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81	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
82	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
83	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
84	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
85	784.041	3rd	Felony battery; domestic battery by strangulation.
86	784.048 (3)	3rd	Aggravated stalking; credible threat.
87	784.048 (5)	3rd	Aggravated stalking of person under 16.
88	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
89	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.



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90	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
91	784.081 (2)	2nd	Aggravated assault on specified official or employee.
92	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
93	784.083 (2)	2nd	Aggravated assault on code inspector.
94	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
95	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
96	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
97	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or



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unarmed; no assault or battery.

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810.145(8)(b) 2nd Video voyeurism; certain minor
victims; 2nd or subsequent
offense.

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812.014(2)(b)1. 2nd Property stolen \$20,000 or
more, but less than \$100,000,
grand theft in 2nd degree.

107

812.014(6) 2nd Theft; property stolen \$3,000
or more; coordination of
others.

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812.015(9)(a) 2nd Retail theft; property stolen
\$300 or more; second or
subsequent conviction.

109

812.015(9)(b) 2nd Retail theft; property stolen
\$3,000 or more; coordination of
others.

110

812.13(2)(c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

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817.4821(5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

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113	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
114	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
115	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
116	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
117	827.03 (2) (c)	3rd	Abuse of a child.
118	827.03 (2) (d)	3rd	Neglect of a child.
119	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
120	836.05	2nd	Threats; extortion.
121	<u>836.10 (1) (a)</u> 836.10	2nd	Written threats to kill or do bodily injury.
	843.12	3rd	Aids or assists person to escape.



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122	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
123	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
124	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
125	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
126	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
127	944.40	2nd	Escapes.
128	944.46	3rd	Harboring, concealing, aiding escaped prisoners.



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152 probation, community control, or any other court-ordered
153 supervision. The sum of \$150 of the surcharge shall be deposited
154 into the Rape Crisis Program Trust Fund established within the
155 Department of Health by chapter 2003-140, Laws of Florida. The
156 clerk of the court shall retain \$1 of each surcharge that the
157 clerk of the court collects as a service charge of the clerk's
158 office.

159 Section 6. This act shall take effect October 1, 2017.

160

161 ===== T I T L E A M E N D M E N T =====

162 And the title is amended as follows:

163 Delete everything before the enacting clause
164 and insert:

165 A bill to be entitled
166 An act relating to threats to kill or do bodily
167 injury; amending s. 836.10, F.S.; prohibiting a person
168 from making a threat to kill or do bodily injury in a
169 writing or other record and posting or transmitting
170 the threat in a specified manner; deleting
171 requirements that a threat be sent to a specific
172 recipient to be prohibited; providing a penalty;
173 reenacting s. 794.056(1), F.S., relating to the Rape
174 Crisis Program Trust Fund, to incorporate the
175 amendments made by the act; amending s. 901.15; F.S.;
176 providing for arrest without a warrant for committing
177 a criminal act of threat to kill or do bodily injury
178 in a posting or transmitting the threat in a specified
179 manner; amending s. 921.0022(3)(f), F.S.; updating a
180 cross-reference in the offense severity ranking chart



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181 of the Criminal Punishment Code; reenacting s.
182 938.085, F.S., relating to additional costs to fund
183 rape crisis centers to incorporate the amendments made
184 by the act; providing an effective date.