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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Perry) recommended the following:

Senate Amendment to Amendment (111654)

Delete lines 30 - 48

and insert:

Section 3. Subsection (2) of section 784.07, Florida Statutes, is amended to read:

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



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11 (2) Whenever any person is charged with knowingly
12 committing an assault or battery upon a law enforcement officer,
13 a firefighter, an emergency medical care provider, a railroad
14 special officer, a traffic accident investigation officer as
15 described in s. 316.640, a nonsworn law enforcement agency
16 employee who is certified as an agency inspector, a blood
17 alcohol analyst, or a breath test operator while such employee
18 is in uniform and engaged in processing, testing, evaluating,
19 analyzing, or transporting a person who is detained or under
20 arrest for DUI, a law enforcement explorer, a traffic infraction
21 enforcement officer as described in s. 316.640, a parking
22 enforcement specialist as defined in s. 316.640, a public
23 transit employee or agent, a person licensed as a security
24 officer as defined in s. 493.6101 and wearing a uniform that
25 bears at least one patch or emblem that is visible at all times
26 that clearly identifies the employing agency and that clearly
27 identifies the person as a licensed security officer, or a
28 security officer employed by the board of trustees of a
29 community college, while the officer, firefighter, emergency
30 medical care provider, railroad special officer, traffic
31 accident investigation officer, traffic infraction enforcement
32 officer, inspector, analyst, operator, law enforcement explorer,
33 parking enforcement specialist, public transit employee or
34 agent, or security officer is engaged in the lawful performance
35 of his or her duties, the offense for which the person is
36 charged shall be reclassified as follows:

37 (a) In the case of assault, from a misdemeanor of the
38 second degree to a felony ~~misdemeanor~~ of the third ~~first~~ degree.

39 (b) In the case of battery, from a misdemeanor of the first



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40 degree to a felony of the third degree.

41 (c) In the case of aggravated assault, from a felony of the
42 third degree to a felony of the second degree. Notwithstanding
43 any other provision of law, any person convicted of aggravated
44 assault upon a law enforcement officer shall be sentenced to a
45 minimum term of imprisonment of 3 years.

46 (d) In the case of aggravated battery, from a felony of the
47 second degree to a felony of the first degree. Notwithstanding
48 any other provision of law, any person convicted of aggravated
49 battery of a law enforcement officer shall be sentenced to a
50 minimum term of imprisonment of 5 years.