

HB 113

2021

1 A bill to be entitled
2 An act relating to enhanced penalties for assault or
3 battery; amending s. 784.07, F.S.; revising provisions
4 on reclassification of assault or battery of specified
5 officers to include family or household members of
6 certain persons; creating s. 784.079, F.S.; providing
7 a definition; prohibiting an assault or battery on
8 specified courtroom personnel and their family or
9 household members; providing criminal penalties;
10 providing an effective date.

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

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14 Section 1. Subsection (2) of section 784.07, Florida
15 Statutes, is amended to read:

16 784.07 Assault or battery of law enforcement officers,
17 firefighters, emergency medical care providers, public transit
18 employees or agents, or other specified officers;
19 reclassification of offenses; minimum sentences.—

20 (2) Whenever any person is charged with knowingly
21 committing an assault or battery upon a law enforcement officer,
22 a firefighter, an emergency medical care provider, a railroad
23 special officer, a traffic accident investigation officer as
24 described in s. 316.640, a nonsworn law enforcement agency
25 employee who is certified as an agency inspector, a blood

26 | alcohol analyst, or a breath test operator while such employee
27 | is in uniform and engaged in processing, testing, evaluating,
28 | analyzing, or transporting a person who is detained or under
29 | arrest for DUI, a law enforcement explorer, a traffic infraction
30 | enforcement officer as described in s. 316.640, a parking
31 | enforcement specialist as defined in s. 316.640, a person
32 | licensed as a security officer as defined in s. 493.6101 and
33 | wearing a uniform that bears at least one patch or emblem that
34 | is visible at all times that clearly identifies the employing
35 | agency and that clearly identifies the person as a licensed
36 | security officer, or a security officer employed by the board of
37 | trustees of a community college, while the officer, firefighter,
38 | emergency medical care provider, railroad special officer,
39 | traffic accident investigation officer, traffic infraction
40 | enforcement officer, inspector, analyst, operator, law
41 | enforcement explorer, parking enforcement specialist, public
42 | transit employee or agent, or security officer is engaged in the
43 | lawful performance of his or her duties, or a family or
44 | household member, as defined in s. 741.28, of a person listed in
45 | this subsection, the offense for which the person is charged
46 | shall be reclassified as follows:
47 | (a) In the case of assault, from a misdemeanor of the
48 | second degree to a misdemeanor of the first degree.
49 | (b) In the case of battery, from a misdemeanor of the
50 | first degree to a felony of the third degree.

51 (c) In the case of aggravated assault, from a felony of
 52 the third degree to a felony of the second degree.
 53 Notwithstanding any other provision of law, any person convicted
 54 of aggravated assault upon a law enforcement officer shall be
 55 sentenced to a minimum term of imprisonment of 3 years.

56 (d) In the case of aggravated battery, from a felony of
 57 the second degree to a felony of the first degree.
 58 Notwithstanding any other provision of law, any person convicted
 59 of aggravated battery of a law enforcement officer shall be
 60 sentenced to a minimum term of imprisonment of 5 years.

61 Section 2. Section 784.079, Florida Statutes, is created
 62 to read:

63 784.079 Assault or battery on courtroom personnel.-

64 (1) As used in this section, the term "courtroom
 65 personnel" means any person employed by or performing
 66 contractual services in a courthouse or other judicial facility
 67 in this state directly related to a trial, hearing, grand jury
 68 proceeding, or other judicial proceeding. The term includes
 69 attorneys, court reporters, probation officers, judges,
 70 bailiffs, and clerks.

71 (2) It is unlawful for any person to commit an assault or
 72 battery on courtroom personnel whom he or she knows or
 73 reasonably should know to be such a person and who is acting in
 74 the course of his or her duties, or a family or household
 75 member, as defined in s. 741.28, of such a person, regardless of

76 whether the assault or battery occurs on the premises of a
77 courthouse or other judicial facility.

78 (3) (a) Except as provided in paragraph (b), a person who
79 violates subsection (2) commits a felony of the third degree,
80 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

81 (b) A person who commits a second or subsequent violation
82 of subsection (2) commits a felony of the third degree,
83 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
84 with a mandatory minimum term of imprisonment of 3 years.

85 Section 3. This act shall take effect October 1, 2021.