

By Senator Rodriguez

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1 A bill to be entitled

2 An act relating to offenses committed upon assistant
3 state attorneys; amending s. 784.07, F.S.; providing
4 for the enhancement of criminal penalties for certain
5 assault or battery offenses committed upon assistant
6 state attorneys; providing an effective date.

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

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10 Section 1. Paragraph (d) of subsection (1) of section
11 784.07, Florida Statutes, is amended, and subsection (2) of that
12 section is republished, to read:

13 784.07 Assault or battery of ~~law enforcement officers,~~
14 ~~firefighters, emergency medical care providers, public transit~~
15 ~~employees or agents, or other~~ specified officers;
16 reclassification of offenses; minimum sentences.-

17 (1) As used in this section, the term:

18 (d) "Law enforcement officer" includes a law enforcement
19 officer, a correctional officer, a correctional probation
20 officer, a part-time law enforcement officer, a part-time
21 correctional officer, an auxiliary law enforcement officer, and
22 an auxiliary correctional officer, as those terms are
23 respectively defined in s. 943.10, and any county probation
24 officer; an employee or agent of the Department of Corrections
25 who supervises or provides services to inmates; an officer of
26 the Florida Commission on Offender Review; a federal law
27 enforcement officer as defined in s. 901.1505; ~~and~~ law
28 enforcement personnel of the Fish and Wildlife Conservation
29 Commission, the Department of Environmental Protection, or the

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30 Department of Law Enforcement; and an assistant state attorney,
31 as described in s. 27.181.

32 (2) Whenever any person is charged with knowingly
33 committing an assault or battery upon a law enforcement officer,
34 a firefighter, an emergency medical care provider, a railroad
35 special officer, a traffic accident investigation officer as
36 described in s. 316.640, a nonsworn law enforcement agency
37 employee who is certified as an agency inspector, a blood
38 alcohol analyst, or a breath test operator while such employee
39 is in uniform and engaged in processing, testing, evaluating,
40 analyzing, or transporting a person who is detained or under
41 arrest for DUI, a law enforcement explorer, a traffic infraction
42 enforcement officer as described in s. 316.640, a parking
43 enforcement specialist as defined in s. 316.640, a person
44 licensed as a security officer as defined in s. 493.6101 and
45 wearing a uniform that bears at least one patch or emblem that
46 is visible at all times that clearly identifies the employing
47 agency and that clearly identifies the person as a licensed
48 security officer, or a security officer employed by the board of
49 trustees of a community college, while the officer, firefighter,
50 emergency medical care provider, railroad special officer,
51 traffic accident investigation officer, traffic infraction
52 enforcement officer, inspector, analyst, operator, law
53 enforcement explorer, parking enforcement specialist, public
54 transit employee or agent, or security officer is engaged in the
55 lawful performance of his or her duties, the offense for which
56 the person is charged shall be reclassified as follows:

57 (a) In the case of assault, from a misdemeanor of the
58 second degree to a misdemeanor of the first degree.

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59 (b) In the case of battery, from a misdemeanor of the first
60 degree to a felony of the third degree. Notwithstanding any
61 other provision of law, a person convicted of battery upon a law
62 enforcement officer committed in furtherance of a riot or an
63 aggravated riot prohibited under s. 870.01 shall be sentenced to
64 a minimum term of imprisonment of 6 months.

65 (c) In the case of aggravated assault, from a felony of the
66 third degree to a felony of the second degree. Notwithstanding
67 any other provision of law, any person convicted of aggravated
68 assault upon a law enforcement officer shall be sentenced to a
69 minimum term of imprisonment of 3 years.

70 (d) In the case of aggravated battery, from a felony of the
71 second degree to a felony of the first degree. Notwithstanding
72 any other provision of law, any person convicted of aggravated
73 battery of a law enforcement officer shall be sentenced to a
74 minimum term of imprisonment of 5 years.

75 Section 2. This act shall take effect October 1, 2023.