

By Senator Martin

33-01423-24

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1 A bill to be entitled
2 An act relating to criminal offenses against law
3 enforcement officers and other personnel; providing a
4 short title; amending s. 776.051, F.S.; revising a
5 prohibition on the use or threatened use of force to
6 resist arrest or detention; amending s. 782.065, F.S.;
7 providing for enhanced punishment for additional
8 offenses when committed against specified officers;
9 revising applicability; amending s. 784.07, F.S.;
10 revising the definition of the term "law enforcement
11 officer"; revising provisions concerning assault or
12 battery upon specified officers and other personnel;
13 amending s. 843.01, F.S.; revising a provision
14 concerning resisting, obstructing, or opposing
15 specified officers; providing an effective date.

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

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19 Section 1. This act may be cited as the "Officer Jason
20 Raynor Act."

21 Section 2. Section 776.051, Florida Statutes, is amended to
22 read:

23 776.051 Use or threatened use of force in resisting arrest
24 or detention ~~making an arrest or in the execution of a legal~~
25 ~~duty~~; prohibition.—

26 ~~(1)~~ A person is not justified in the use or threatened use
27 of force to resist a lawful or an unlawful ~~an~~ arrest or
28 detention by a law enforcement officer, or to resist a law
29 enforcement officer who is acting in the performance of his or

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30 her official duties as described in s. 943.10(1), if who is
31 engaged in the execution of a legal duty, if the law enforcement
32 officer was acting in good faith and he or she is known, or
33 reasonably appears, to be a law enforcement officer.

34 ~~(2) A law enforcement officer, or any person whom the~~
35 ~~officer has summoned or directed to assist him or her, is not~~
36 ~~justified in the use of force if the arrest or execution of a~~
37 ~~legal duty is unlawful and known by him or her to be unlawful.~~

38 Section 3. Section 782.065, Florida Statutes, is amended to
39 read:

40 782.065 Murder; law enforcement officer, correctional
41 officer, correctional probation officer.—Notwithstanding ss.
42 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
43 shall be sentenced to life imprisonment without eligibility for
44 release upon findings by the trier of fact that, beyond a
45 reasonable doubt:

46 (1) The defendant committed murder in the first degree in
47 violation of s. 782.04(1) and a death sentence was not imposed;
48 murder in the second or third degree in violation of s.
49 782.04(2), (3), or (4); attempted murder in the first or second
50 degree in violation of s. 782.04(1)(a)1. or (2); ~~or~~ attempted
51 felony murder in violation of s. 782.051; manslaughter in
52 violation of s. 782.07(1); or a felony resulting in the death of
53 a law enforcement officer as defined in s. 943.10(1); and

54 (2) The victim of any offense described in subsection (1)
55 was a law enforcement officer, part-time law enforcement
56 officer, auxiliary law enforcement officer, correctional
57 officer, part-time correctional officer, auxiliary correctional
58 officer, correctional probation officer, part-time correctional

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59 probation officer, or auxiliary correctional probation officer,
60 as those terms are defined in s. 943.10, who was acting in the
61 performance of his or her official duties as described in s.
62 943.10 ~~engaged in the lawful performance of a legal duty.~~

63 Section 4. Paragraph (e) of subsection (1) and subsection
64 (2) of section 784.07, Florida Statutes, are amended to read:

65 784.07 Assault or battery of law enforcement officers and
66 other specified personnel; reclassification of offenses; minimum
67 sentences.—

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

69 (e) "Law enforcement officer" includes a law enforcement
70 officer, a correctional officer, a correctional probation
71 officer, a part-time law enforcement officer, a part-time
72 correctional officer, an auxiliary law enforcement officer, and
73 an auxiliary correctional officer, as those terms are
74 respectively defined in s. 943.10, and any county probation
75 officer; an employee or agent of the Department of Corrections
76 who supervises or provides services to inmates; an officer of
77 the Florida Commission on Offender Review; a federal law
78 enforcement officer as defined in s. 901.1505; and law
79 enforcement personnel of the Fish and Wildlife Conservation
80 Commission, the Department of Environmental Protection, or the
81 Department of Law Enforcement. The duties and responsibilities
82 of these respective positions are described in s. 943.10.

83 (2) Whenever any person is charged with knowingly
84 committing an assault or battery upon a law enforcement officer,
85 a firefighter, an emergency medical care provider, hospital
86 personnel, a railroad special officer, a traffic accident
87 investigation officer as described in s. 316.640, a nonsworn law

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88 enforcement agency employee who is certified as an agency
89 inspector, a blood alcohol analyst, or a breath test operator
90 while such employee is in uniform and engaged in processing,
91 testing, evaluating, analyzing, or transporting a person who is
92 detained or under arrest for DUI, a law enforcement explorer, a
93 traffic infraction enforcement officer as described in s.
94 316.640, a parking enforcement specialist as defined in s.
95 316.640, a person licensed as a security officer as defined in
96 s. 493.6101 and wearing a uniform that bears at least one patch
97 or emblem that is visible at all times that clearly identifies
98 the employing agency and that clearly identifies the person as a
99 licensed security officer, or a security officer employed by the
100 board of trustees of a community college, while the officer,
101 firefighter, emergency medical care provider, hospital
102 personnel, railroad special officer, traffic accident
103 investigation officer, traffic infraction enforcement officer,
104 inspector, analyst, operator, law enforcement explorer, parking
105 enforcement specialist, public transit employee or agent, or
106 security officer who is acting in the performance of his or her
107 official duties ~~is engaged in the lawful performance of his or~~
108 ~~her duties~~, the offense for which the person is charged shall be
109 reclassified as follows:

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

112 (b) In the case of battery, from a misdemeanor of the first
113 degree to a felony of the third degree. Notwithstanding any
114 other provision of law, a person convicted of battery upon a law
115 enforcement officer committed in furtherance of a riot or an
116 aggravated riot prohibited under s. 870.01 shall be sentenced to

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117 a minimum term of imprisonment of 6 months.

118 (c) In the case of aggravated assault, from a felony of the
119 third degree to a felony of the second degree. Notwithstanding
120 any other provision of law, any person convicted of aggravated
121 assault upon a law enforcement officer shall be sentenced to a
122 minimum term of imprisonment of 3 years.

123 (d) In the case of aggravated battery, from a felony of the
124 second degree to a felony of the first degree. Notwithstanding
125 any other provision of law, any person convicted of aggravated
126 battery of a law enforcement officer shall be sentenced to a
127 minimum term of imprisonment of 5 years.

128 Section 5. Subsection (1) of section 843.01, Florida
129 Statutes, is amended to read:

130 843.01 Resisting, obstructing, or opposing by offering or
131 doing violence to legally authorized person, police canine, or
132 police horse.—

133 (1) Whoever knowingly and willfully resists, obstructs, or
134 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
135 (7), (8), or (9); member of the Florida Commission on Offender
136 Review or any administrative aide or supervisor employed by the
137 commission; parole and probation supervisor; county probation
138 officer; personnel or representative of the Department of Law
139 Enforcement; or other person legally authorized to execute
140 process in the execution of legal process or acting in the
141 performance of his or her official duties as described in s.
142 943.10 in the lawful execution of any legal duty, by offering or
143 doing violence to the person of such officer or legally
144 authorized person, commits a felony of the third degree,
145 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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Section 6. This act shall take effect October 1, 2024.