

By the Committee on Criminal Justice; and Senator Martin

591-02166-24

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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 manslaughter
8 when committed against specified officers; revising
9 applicability; amending s. 784.07, F.S.; revising the
10 definition of the term "law enforcement officer";
11 revising provisions concerning assault or battery upon
12 specified officers and other personnel; amending s.
13 843.01, F.S.; revising a provision concerning
14 resisting, obstructing, or opposing specified
15 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; or manslaughter in
52 violation of s. 782.07(1); and

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

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

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

64 784.07 Assault or battery of law enforcement officers and
65 other specified personnel; reclassification of offenses; minimum
66 sentences.—

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

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

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

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

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

111 (b) In the case of battery, from a misdemeanor of the first
112 degree to a felony of the third degree. Notwithstanding any
113 other provision of law, a person convicted of battery upon a law
114 enforcement officer committed in furtherance of a riot or an
115 aggravated riot prohibited under s. 870.01 shall be sentenced to
116 a minimum term of imprisonment of 6 months.

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

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

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

129 843.01 Resisting, obstructing, or opposing by offering or
130 doing violence to legally authorized person, police canine, or
131 police horse.-

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

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