

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1838

INTRODUCER: Senator Martin

SUBJECT: Tampering With, Harassing, or Retaliating Against Court Officials

DATE: March 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>ACJ</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1838 amends several statutes relating to tampering with, harassing, or retaliating against court officials.

The bill amends s. 918.12, F.S., to create criminal penalties for tampering with or harassing court officials. The term “court official” is defined to mean any judge, magistrate judge, grand juror, petit juror, clerk, deputy clerk, judicial assistant, attorney, bailiff or court deputy.

Tampering with a Court Official

A person who knowingly:

- Uses intimidation or physical force;
 - Threatens any person, or attempts to do so;
 - Engages in misleading conduct toward any person; or
 - Offers pecuniary benefit or gain to any person,
- with the intent to cause or induce any court official to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding, commits the crime of tampering with a court official.

The penalty for tampering with a court official varies depending upon the type of proceeding was affected.

Harassing a court official

A person commits the crime of harassing a court official if he or she intentionally harasses a court official and thereby hinders, delays, prevents, or dissuades, or attempts to do so, any court official from:

- Attending an official proceeding;

- Rendering a fair verdict based solely upon the evidence produced at an official proceeding and the law; or
- Following the rules of juror behavior and deliberation as set forth by the judge.

The penalty for harassment of a court official varies depending upon what type of proceeding was affected.

In a prosecution of an offense for tampering or harassing a court official, no state of mind need be proven with respect to the circumstances:

- That the official proceeding before a judge, court, grand jury, or government agency is before a judge or court of the state, a state or local grand jury or a state agency; or
- That the judge is a judge of the state or that the law person authorized to act for or on behalf of the state or serving the state as an adviser or consultant.

Retaliation against a court official

The bill creates s. 918.125, F.S., to prohibit specified conduct with retaliatory intent towards court officials. A person who knowingly engages in any conduct that causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against a court official for the court official's participation in an official investigation or official proceeding, commits a third degree felony.

If the conduct results in bodily injury, the person commits a second degree felony.

The bill creates s. 918.21, F.S., to prohibit the retaliation against a person classified as a court official for his or her participation in an official investigation or proceeding. A person who violates this section commits a third degree felony if he or she:

- Knowingly engages in any conduct that threatens to cause bodily injury to another person; or
- Damage the tangible property of another person or threatens to do so.

If the conduct results in bodily injury, such person commits a second degree felony.

The bill amends s. 921.0022, F.S., of the criminal punishment code to remove s. 918.12, F.S., as a level 4 offense in the offense severity ranking chart.

The bill may have a positive indeterminate fiscal impact (unquantifiable increase in prison and jail beds) on the Department of Corrections and local jails. *See Section V. Fiscal Impact Statement.*

The bill takes effect on October 1, 2025.

II. Present Situation:

Tampering

Under the Constitution and Federal law, our government vests in judges, prosecutors, and law enforcement officers the power to make decisions of enormous consequence. Because of the importance of their work, these public servants face unique risks to their safety and the safety of

their families. Some who face or have received an adverse judicial decision have sought to intimidate or punish judges and prosecutors with threats of harm. Moreover, judges, prosecutors, and law enforcement officers are symbols within our communities of law and order and may be targeted for that reason alone. And at times, family members of public servants have become victims.¹ Several states have enacted legislation to address a surge in both threats and actual acts of violence against judges and judicial personnel across America.²

Jury Tampering

Section 918.12, F.S., provides that any person who influences the judgment or decision of any grand or petit juror on any matter, question, cause, or proceeding which may be pending, or which may by law be brought, before him or her as such juror, with intent to obstruct the administration of justice, commits a third degree felony.

Witness Tampering

Witness tampering, as defined under s. 914.22, F.S., involves various actions designed to influence a witness, victim, or informant. This can include using intimidation or physical force, making threats, or engaging in misleading behavior to alter a witness's testimony or cooperation with law enforcement. The statute is broad, covering a wide range of conduct aimed at interfering with the judicial process.³

Section 914.22, F.S., provides that a person who knowingly uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct toward another person, or offers pecuniary benefit or gain to another person, with intent to cause or induce any person to:

- Withhold testimony, or withhold a record, document, or other object, from an official investigation or official proceeding;⁴
- Alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official investigation or official proceeding;⁵
- Evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official investigation or an official proceeding;⁶
- Be absent from an official proceeding to which such person has been summoned by legal process;⁷

¹ Federal Register, *Protecting Law Enforcement Officers, Judges, Prosecutors, and Their Families*, Executive Order 13977 of January 18, 2021, available at <https://www.federalregister.gov/documents/2021/01/22/2021-01635/protecting-law-enforcement-officers-judges-prosecutors-and-their-families> (last visited March 15, 2025).

² National Center for State Courts, *NCSC supports new legislation to protect state court judges from escalating threats*, available at <https://www.ncsc.org/newsroom/at-the-center/2024/ncsc-supports-new-legislation-to-protect-state-court-judges-from-escalating-threats> (last visited March 15, 2025).

³ Meltzer & Bell, P.A., *Understanding FSS 914.22: Florida's Witness Tampering Law Explained* available at <https://www.meltzerandbell.com/news/understanding-fss-914-22-floridas-witness-tampering-law-explained/#:~:text=Witness%20tampering%2C%20as%20defined%20under,can%20fall%20under%20this%20statute> (last visited March 14, 2025).

⁴ Section 914.22(1)(a), F.S.

⁵ Section 914.22(1)(b), F.S.

⁶ Section 914.22(1)(c), F.S.

⁷ Section 914.22(1)(d), F.S.

- Hinder, delay, or prevent the communication to a law enforcement officer or judge of information relating to the commission or possible commission of an offense or a violation of a condition of probation, parole, or release pending a judicial proceeding;⁸ or
- Testify untruthfully in an official investigation or an official proceeding, commits the crime of tampering with a witness, victim, or informant.⁹

Tampering with a witness, victim, or informant is a:

- Third degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor.¹⁰
- Second degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony.¹¹
- First degree felony where the official investigation or official proceeding affected involves the investigation of a second degree felony.¹²
- First degree felony punishable by a term of years not exceeding life where the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony or first degree felony punishable by a term of years not exceeding life.¹³
- Life felony where the official investigation or official proceeding affected involves the investigation or prosecution of a life or capital felony.¹⁴
- Third degree felony where the offense level of the affected official investigation or official proceeding involves a noncriminal investigation or proceeding.¹⁵

A person who intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from:

- Attending or testifying in an official proceeding involves a noncriminal investigation or proceeding.¹⁶
 - Reporting to a law enforcement officer or judge the commission or possible commission of an offense or a violation of a condition of probation, parole, or release pending a judicial proceeding;¹⁷
 - Arresting or seeking the arrest of another person in connection with an offense; or
 - Causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or from assisting in such prosecution or proceeding;¹⁸
- or attempts to do so, commits the crime of harassing a witness, victim, or informant.

Harassing a witness, victim or informant is a:

⁸ Section 914.22(1)(e), F.S.

⁹ Section 914.22(1)(f), F.S.

¹⁰ Section 914.22(2)(a), F.S.

¹¹ Section 914.22(2)(b), F.S.

¹² Section 914.22(2)(c), F.S.

¹³ Section 914.22(2)(d), F.S.

¹⁴ Section 914.22(2)(e), F.S.

¹⁵ Section 914.22(2)(f), F.S.

¹⁶ Section 914.22(3)(a), F.S.

¹⁷ Section 914.22(3)(b), F.S.

¹⁸ Section 914.22(3)(c), F.S.

- First degree Misdemeanor where the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor.¹⁹
- Third degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony.²⁰
- Second degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.²¹
- First degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of first degree felony.²²
- First degree felony punishable by a term of years not exceeding life where the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the first degree punishable by a term of years not exceeding life or a prosecution of a life or capital felony.²³
- Third degree felony where the offense level of the affected official investigation or official proceeding is indeterminable or where the affected official investigation or official proceeding involves a noncriminal investigation or proceeding.²⁴

Obstruction of Justice

Obstruction of justice is a criminal offense that occurs when someone willfully interferes with the legal system's ability to carry out its functions. This charge covers a range of unlawful acts intended to disrupt or obstruct investigations, trials, or other legal proceedings. For instance, actions such as tampering with evidence, lying to law enforcement, bribing a witness, or threatening a judge or juror can all be considered obstruction.²⁵

Under ch. 843, F.S., obstruction of justice charges apply to actions that deliberately interfere with a legally authorized person in the lawful execution of his or her duty. This includes obstructing police officers as well as any other peace officer, correctional officer, correctional probation officer, and even members of the Florida Highway Patrol and other governmental agencies.²⁶

A person who knowingly and willfully resists, obstructs, or opposes any officer, member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission; parole and probation supervisor; county probation officer; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person, commits a felony commits a third degree felony.²⁷

¹⁹ Section 914.22(4)(a), F.S.

²⁰ Section 914.22(4)(b), F.S.

²¹ Section 914.22(4)(c), F.S.

²² Section 914.22(4)(d), F.S.

²³ Section 914.22(4)(e), F.S.

²⁴ Section 914.22(4)(f), F.S.

²⁵ Buda Law, *What is Obstruction of Justice In Florida*, November 11, 2024, available at <https://budalaw.com/blog/2024/november/what-is-obstruction-of-justice-in-florida/> (last visited March 14, 2025).

²⁶ *Id.*

²⁷ Section 843.01(1), F.S.

III. Effect of Proposed Changes:

SB 1838 amends several statutes relating to tampering with, harassing, or retaliation against court officials.

The bill amends s. 918.12, F.S., to provide criminal penalties for tampering with or harassing court officials. The term “court official” is defined to mean any judge, magistrate judge, grand juror, petit juror, clerk, deputy clerk, judicial assistant, attorney, bailiff or court deputy.

Tampering with a Court Official

A person who knowingly:

- Uses intimidation or physical force;
 - Threatens any person, or attempts to do so;
 - Engages in misleading conduct toward any person; or
 - Offers pecuniary benefit or gain to any person,
- with the intent to cause or induce any court official to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding, commits the crime of tampering with a court official.

The penalty for tampering with a court official is a:

- Third degree felony in which the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor or any noncriminal matter pending in county court.
- Second degree felony in which the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony or any noncriminal matter pending in circuit court.
- First degree felony in which the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- First degree felony, punishable by a term of years not exceeding life in which the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony or a first degree felony punishable by a term of years not exceeding life.
- Life felony, in which the official investigation or official proceeding affected involved the investigation or prosecution of a life or capital felony.
- Third degree felony, in which the offense level of the affected official investigation or official proceeding is indeterminable.

Harassing a court official

A person commits the crime of harassing a court official if he or she intentionally harasses a court official and thereby hinders, delays, prevents, or dissuades, or attempts to do so, any court official from:

- Attending an official proceeding;
- Rendering a fair verdict based solely upon the evidence produced at an official proceeding and the law; or
- Following the rules of juror behavior and deliberation as set forth by the judge.

The penalty for harassment of a court official is a:

- First degree misdemeanor, in which the official investigation or official proceeding affected involves the investigation or prosecution of misdemeanor or any noncriminal matter pending in county court.
- Third degree felony, in which the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony or any noncriminal matter pending in circuit court.
- Second degree felony, in which the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- First degree felony, in which the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony.
- First degree felony, punishable by a term of years not exceeding life in which the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony punishable by a term of years not exceeding life or a prosecution of a life or capital felony.
- Third degree felony, in which the offense level of the affected official investigation or official proceeding is indeterminable.

In a prosecution of an offense for tampering or harassing a court official, no state of mind need be proven with respect to the circumstances:

- That the official proceeding before a judge, court, grand jury, or government agency is before a judge or court of the state, a state or local grand jury or a state agency; or
- That the judge is a judge of the state or that the law person authorized to act for or on behalf of the state or serving the state as an adviser or consultant.

Retaliation against a court official

The bill creates s. 918.125, F.S., to prohibit specified conduct with retaliatory intent towards court officials. A person who knowingly engages in any conduct that causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against a court official for the court official's participation in an official investigation or official proceeding, commits a third degree felony.

If the conduct results in bodily injury, the person commits a second degree felony.

The bill creates s. 918.21, F.S., to prohibit the retaliation against a person classified as a court official for his or her participation in an official investigation or proceeding. A person who violates this section commits a third degree felony if he or she:

- Knowingly engages in any conduct that threatens to cause bodily injury to another person; or
- Damage the tangible property of another person or threatens to do so.

If the conduct results in bodily injury, such person commits a second degree felony.

The bill provides conforming changes to ss. 772.102 and 895.02. F.S.

The bill amends s. 921.0022, F.S., of the criminal punishment code to remove s. 918.12, F.S., as a level 4 offense in the offense severity ranking chart.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive indeterminate fiscal impact on the jail and prison bed population by providing enhanced penalties that may result in sentences including longer terms of incarceration for persons convicted of such offenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 918.12, 772.102, 895.02, and 921.002.

This bill creates the following sections of the Florida Statutes: 918.125 and 918.21.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.