

SB 1866 – Assault or Battery

This bill adds “a code enforcement officer as defined in s. 162.21, F.S., an employee of a state park or a park operated by a political subdivision, or a lifeguard certified under s. 514.071, F.S.” to s. 784.07, F.S., which addresses assault or battery of law enforcement officers, firefighters, emergency medical providers, public transit employees, etc. Offenses under this statute are reclassified as follows:

Assault increased from 2nd degree misdemeanor to 1st degree misdemeanor;
Battery from 1st degree misdemeanor to 3rd degree felony
Aggravated assault from 3rd degree felony to 2nd degree felony
Aggravated battery from 2nd degree felony to 1st degree felony

Large numbers come to prison each year with these offenses as primary. There were 1,998 (adj.) sentenced in FY 17-18 with 466 (adj.) sentenced to prison. **See Handout.** In FY 18-19, there were 400 new commitments to prison for these offenses. It is unknown how large the code enforcement officer, park employee, or lifeguard victim pool is, but simple battery is the most common felony offense and the incarceration rate is low (16.3% adj.). CJIC has heard bills with the same provisions in prior years and found them to have an insignificant impact due to low volume.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate

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These bills add hospital personnel to the list of professions in s. 784.07, F.S. , which increases the felony degree of assault and battery offenses when the victim is hospital personnel.

Current assault and battery offenses on law enforcement and other professions (s. 784.07, F.S.)

Statute	Primary Offense	Felony Degree	Offense Severity Level	Criminal Code Lowest Permissible Sentence (in months) ¹	Maximum Sentence Under Criminal Code (Based on degree)	Number Sentenced FY 17-18 ²	Number Receiving Prison ²	Percent Receiving Prison	Mean Sentence Length (in months)
784.087(2)(b)	BATTERY; OF LAW ENFORCEMENT OFFICER OR FIREFIGHTER OR INTAKE OFFICER, ETC.	3rd	4	Non-prison	5 years	1,726	282	16.3%	25.8
784.087(2)(c)	AGGRAVATED ASSAULT; OF LAW ENFORCEMENT OFFICER OR FIREFIGHTER OR INTAKE OFFICER, ETC.	2nd	6	Non-prison	15 years	195	130	66.5%	101.4
784.087(2)(d)	AGGRAVATED BATTERY; OF LAW ENFORCEMENT OFFICER OR FIREFIGHTER OR INTAKE OFFICER, ETC.	1st	7	21	30 years	77	55	70.8%	83.9

¹ Criminal Code Lowest Permissible Sentence assumes no additional or prior offenses and is based on offense severity level.

² Adjusted for non-compliance in the completion of scoresheets. Per Department of Corrections report entitled, "Sentencing Scoresheet Compliance Report July 1, 2017 - June 30, 2018", compliance is about 93.3%.