

HB 197 – Law Enforcement Officers

Amends s. 775.085, F.S., adding “service as a law enforcement officer” to potential victims of crimes evidencing prejudice. It also adds that “law enforcement officer” has the same meaning as provided in s. 784.07(1), F.S., which includes multiple types of officers (i.e. law enforcement officer, a correctional officer, a correctional probation officer, etc.). With this bill, the penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor evidences prejudice based on service as a law enforcement officer.

- 2nd degree misdemeanor increased to 1st degree misdemeanor
- 1st degree misdemeanor increased to 3rd degree felony
- 3rd degree felony increased to 2nd degree felony
- 2nd degree felony increased to 1st degree felony
- 1st degree felony increased to life felony

Per FDLE’s statewide UCR, in 2019, there were 134 offenses, with 41 arrests for hate crimes. Also per FDLE’s Computerized Criminal History (CCH) files, in FY 19-20, there were 5 arrests and no convictions under s. 775.085, F.S., with arrests possibly overlapping with UCR. In FY 18-19, there were four arrests and one conviction under this statute. However, since these statutes reclassify felonies, such acts might not be captured in the initial arrest.

Since July 1, 2012 there has been 3 adjudications withheld for 3rd degree felonies under s. 775.085, F.S., with one 1st degree misdemeanor guilty conviction and one 3rd degree felony conviction. Per DOC, in FY 18-19 and FY 19-20, there were no new commitments for a misdemeanor that was elevated to a felony by this statute. Furthermore, DOC does not have data available on those felonies that were increased due to this statute. However, there is data on assault/battery against law enforcement officers and emergency service employees, with 400 new commitments to prison for these offenses in FY 18-19 and 286 new commitments in FY 19-20.

It is not known how many of these admissions focused strictly on law enforcement, since other types of occupations are included. It is also not known how many of these admissions were crimes that evidenced prejudice based on the victim’s employment, or how many 1st degree misdemeanors against those in these employment categories would be elevated to felonies due to crimes evidencing prejudice.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House