

SB 552 – Assault or Battery on Courtroom Personnel

This bill creates s. 784.079, F.S., adding an **unranked, 3rd degree felony (Level 1 by default)** as a first offense “for any person to commit an assault or a battery on courtroom personnel who he or she knows or reasonably should know to be such a person and who is acting in the course of his or her duties, regardless of whether the assault or battery occurs on the premises of a courthouse or other judicial facility.” An **unranked, 3rd degree felony (Level 1 by default)** is also added for a second or subsequent violation, “with a mandatory minimum term of imprisonment of 3 years.” Courtroom personnel is defined as “any person employed by or performing contractual services in a courthouse or other judicial facility in this state and whose work is directly related to a trial, hearing, grand jury proceeding, or other judicial proceeding. The term includes attorneys, court reporters, probation officers, judges, bailiffs, and clerks.”

A Level 4, 3rd degree felony exists for battery of law enforcement officers, firefighters, emergency medical providers, public transit employees, etc. Per DOC, in FY 18-19, the incarceration rate for this felony was 16.6% (mean sentence length=26.1 months) and in FY 19-20 the incarceration rate was 15.0% (mean sentence length=27.7 months). Per DOC, in FY 18-19, the incarceration rate for a Level 1, 3rd degree felony was 9.5% (mean sentence length=22.2 months), and in FY 19-20 the incarceration rate was 8.1% (mean sentence length=23.1 months).

It is not known how large the courtroom personnel victim pool is, nor is it known how many offenders would commit such an act a second or subsequent time, but CJIC 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