

SB 730 – Strangulation by a Law Enforcement Officer

This bill creates s. 784.042, F.S., stating that “a law enforcement officer commits the offense of strangulation by a law enforcement officer if while on duty the officer knowingly and intentionally impedes the normal breathing or circulation of the blood of an individual so as to create a risk of or cause great bodily harm or death by applying pressure on the throat or neck of the individual or by blocking the nose or mouth of the individual, including the use of a chokehold or similar restraint.” An **unranked, 3rd degree felony (Level 1 by default)** is created for this offense.

Per FDLE, there were 29 cases in FY 18-19 and 24 cases in FY 19-20 where battery/excessive force was charged while employed at the time of misconduct. However, it is not known how many of these involved the offense as described in the bill, including whether the officer was on or off duty or whether it involved chokeholds/strangulation. Furthermore, it is not known what number of incidents fit this definition that were not charged as battery/excessive force. Per DOC, in FY 18-19, the incarceration rate for a Level 1, 3rd degree felony was 9.5%, and in FY 19-20 the incarceration rate was 8.1%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate