#### 887240

576-03818-17

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Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

2 An act relating to threats to kill or do bodily 3 injury; amending s. 836.10, F.S.; prohibiting a person 4 from making a threat to kill or do bodily injury in a 5 writing or other record by posting or transmitting, or 6 procuring the posting or transmission of, the threat 7 in a specified manner; deleting requirements that a 8 threat be sent to a specific recipient to be a 9 prohibited act; providing separate penalties for 10 juveniles and adults; defining the term "electronic 11 record"; amending s. 901.15, F.S.; authorizing a law 12 enforcement officer to arrest a person without a warrant for a criminal act of threat to kill or do 13 bodily injury, as shown in a posting or as transmitted 14 15 in a specified manner; reenacting ss. 794.056(1), 16 921.0022(3)(f), and 938.085, F.S., relating to the Rape Crisis Program Trust Fund, the offense severity 17 18 ranking chart of the Criminal Punishment Code, and 19 additional cost to fund rape crisis centers, 20 respectively, to incorporate the amendment made to s. 21 836.10, F.S., in references thereto; providing an effective date. 2.2

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Be It Enacted by the Legislature of the State of Florida:

26 Section 1. Section 836.10, Florida Statutes, is amended to 27 read:

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28 836.10 Written threats to kill or do bodily injury; 29 punishment.-

30 (1) It is unlawful for a Any person to make who writes or 31 composes and also sends or procures the sending of any letter, 32 inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any 33 34 person, containing a threat to kill or to do bodily injury to 35 another the person in a writing or other record, including an 36 electronic record, by sending, posting, or transmitting, or 37 procuring the sending, posting, or transmission of, the threat 38 in a manner that would allow another person to view the threat. 39 (2) A person who is 18 years of age or older and who violates this section to whom such letter or communication is 40 sent, or a threat to kill or do bodily injury to any member of 41 42 the family of the person to whom such letter or communication is sent commits a felony of the second degree, punishable as 43 provided in s. 775.082, s. 775.083, or s. 775.084. 44 (3) A person who is under the age of 18 and who violates 45 46 this section commits a misdemeanor of the first degree, 47 punishable as provided in s. 775.082 or s. 775.083. 48 (4) For purposes of this section, the term "electronic 49 record" means relating to technology having electrical, digital, 50 magnetic, wireless, optical, electromagnetic, or similar 51 capabilities. 52 Section 2. Subsection (17) is added to section 901.15, 53 Florida Statutes, to read: 54 901.15 When arrest by officer without warrant is lawful.-A

55 law enforcement officer may arrest a person without a warrant 56 when:

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57 <u>(17) There is probable cause to believe that the person has</u> 58 <u>committed a criminal act of threat to kill or do bodily injury</u> 59 <u>as described in s. 836.10.</u>

60 Section 3. For the purpose of incorporating the amendment 61 made by this act to section 836.10, Florida Statutes, in a 62 reference thereto, subsection (1) of section 794.056, Florida 63 Statutes, is reenacted to read:

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794.056 Rape Crisis Program Trust Fund.-

65 (1) The Rape Crisis Program Trust Fund is created within 66 the Department of Health for the purpose of providing funds for 67 rape crisis centers in this state. Trust fund moneys shall be 68 used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund 69 70 consist of those funds collected as an additional court 71 assessment in each case in which a defendant pleads guilty or 72 nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), 73 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 74 75 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 76 77 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; 78 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 79 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 80 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 81 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 82 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), 83 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys 84 85 appropriated by the Legislature, and grants from public or

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86 private entities. 87 Section 4. For the purpose of incorporating the amendment 88 made by this act to section 836.10, Florida Statutes, in a 89 reference thereto, paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is reenacted to read: 90 921.0022 Criminal Punishment Code; offense severity ranking 91 92 chart.-93 (3) OFFENSE SEVERITY RANKING CHART 94 (f) LEVEL 6 95 96 Florida Felony Description Statute Degree 97 316.027(2)(b) 2nd Leaving the scene of a crash involving serious bodily injury. 98 316.193(2)(b) 3rd Felony DUI, 4th or subsequent conviction. 99 400.9935(4)(c) 2nd Operating a clinic, or offering services requiring licensure, without a license. 100 499.0051(2) 2nd Knowing forgery of transaction history, transaction information, or transaction statement.

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1	576-03818-17		
101	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
102	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
103	775.0875(1)	3rd	Taking firearm from law enforcement officer.
104	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
105	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
107	784.041	3rd	Felony battery; domestic battery by strangulation.
108	784.048(3)	3rd	Aggravated stalking; credible threat.
109	784.048(5)	3rd	Aggravated stalking of person under 16.
	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer. Page 5 of 12

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576-03818-17 110 2nd 784.074(1)(b) Aggravated assault on sexually violent predators facility staff. 111 784.08(2)(b) 2nd Aggravated assault on a person 65 years of age or older. 112 784.081(2) 2nd Aggravated assault on specified official or employee. 113 784.082(2) 2nd Aggravated assault by detained person on visitor or other detainee. 114 784.083(2) 2nd Aggravated assault on code inspector. 115 787.02(2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01. 116 790.115(2)(d) 2nd Discharging firearm or weapon on school property. 117 790.161(2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

PROPOSED COMMITTEE SUBSTITUTE

Florida Senate - 2017 Bill No. CS for SB 260

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	790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass
			destruction, act of arson or
			violence to state property, or
			use of firearms in violent manner.
119			
	790.19	2nd	Shooting or throwing deadly
			missiles into dwellings,
100			vessels, or vehicles.
120	794.011(8)(a)	3rd	Solicitation of minor to
	/ J 1. 011 (0) (u)	514	participate in sexual activity
			by custodial adult.
121			
	794.05(1)	2nd	Unlawful sexual activity with
1.0.0			specified minor.
122	800.04(5)(d)	3rd	Lewd or lascivious molestation;
	000.04(J)(a)	310	victim 12 years of age or older
			but less than 16 years of age;
			offender less than 18 years.
123			
	800.04(6)(b)	2nd	Lewd or lascivious conduct;
			offender 18 years of age or
1 0 4			older.
124	806.031(2)	2nd	Arson resulting in great bodily
	000.001(2)	2110	moon reputerny in great boarry
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	576-03818-17		harm to firefighter or any other person.
125 126	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
120	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
127	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
128	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
129	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
130	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
131 132	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).

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	576-03818-17 817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
133	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
134	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
135	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
136	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
137	827.03(2)(c)	3rd	Abuse of a child.
138 139	827.03(2)(d)	3rd	Neglect of a child.
	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
140	836.05	2nd	Threats; extortion.
141	836.10	2nd	Written threats to kill or do
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142			bodily injury.
143	843.12	3rd	Aids or assists person to escape.
144	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
145	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
146	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
147	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
148	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

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	944.40	2nd	Escapes.
149			
	944.46	3rd	Harboring, concealing, aiding
			escaped prisoners.
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	944.47(1)(a)5.	2nd	Introduction of contraband
			(firearm, weapon, or explosive)
			into correctional facility.
151			
	951.22(1)	3rd	Intoxicating drug, firearm, or
			weapon introduced into county
			facility.
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155			
156	Section 5. For	the pu	rpose of incorporating the amendment
157	made by this act to	sectio	n 836.10, Florida Statutes, in a
158	reference thereto, section 938.085, Florida Statutes, is		
159	reenacted to read:		
160	938.085 Additional cost to fund rape crisis centersIn		
161	addition to any sanction imposed when a person pleads guilty or		
162	nolo contendere to,	or is	found guilty of, regardless of
163	adjudication, a vic	lation	of s. 775.21(6) and (10)(a), (b), and
164	(g); s. 784.011; s.	784.02	1; s. 784.03; s. 784.041; s. 784.045;
165	s. 784.048; s. 784.	07; s.	784.08; s. 784.081; s. 784.082; s.
166	784.083; s. 784.085	5; s. 78	7.01(3); s. 787.02(3); 787.025; s.
167	787.06; s. 787.07;	s. 794.	011; s. 794.05; s. 794.08; former s.
168	796.03; former s. 7	96.035;	s. 796.04; s. 796.05; s. 796.06; s.
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169 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 170 171 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 172 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and 173 (14) (c); or s. 985.701(1), the court shall impose a surcharge of 174 \$151. Payment of the surcharge shall be a condition of 175 probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited 176 177 into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The 178 179 clerk of the court shall retain \$1 of each surcharge that the 180 clerk of the court collects as a service charge of the clerk's 181 office.

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Section 6. This act shall take effect October 1, 2017.