

By Senator Alexander

17-1507-06

See HB 809

1                                   A bill to be entitled  
2           An act relating to assault or battery on  
3           homeless persons; creating s. 784.0815, F.S.;  
4           providing a definition; providing a minimum  
5           sentence for a person convicted of an  
6           aggravated assault or aggravated battery upon a  
7           homeless person; providing for reclassification  
8           of certain offenses when committed against  
9           homeless persons; providing that adjudication  
10          of guilt or imposition of sentence shall not be  
11          suspended, deferred, or withheld for such  
12          offenses; providing an effective date.

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

16           Section 1. Section 784.0815, Florida Statutes, is  
17 created to read:

18           784.0815 Assault or battery on homeless persons.--

19           (1) For purposes of this section, the term "homeless"  
20 shall have the same meaning as provided in s. 420.621.

21           (2) A person who is convicted of an aggravated assault  
22 or aggravated battery upon a homeless person shall be  
23 sentenced to a minimum term of imprisonment of 3 years and  
24 fined not more than \$10,000 and shall also be ordered by the  
25 sentencing judge to make restitution to the victim of the  
26 offense and to perform up to 500 hours of community service  
27 work. Restitution and community service work shall be in  
28 addition to any fine or sentence that may be imposed and shall  
29 not be in lieu thereof.

30           (3) Whenever a person is charged with committing an  
31 assault or aggravated assault or a battery or aggravated

1 battery upon a homeless person, regardless of whether he or  
2 she knows or has reason to know the housing status of the  
3 victim, the offense for which the person is charged shall be  
4 reclassified as follows:

5 (a) In the case of aggravated battery, from a felony  
6 of the second degree to a felony of the first degree.

7 (b) In the case of aggravated assault, from a felony  
8 of the third degree to a felony of the second degree.

9 (c) In the case of battery, from a misdemeanor of the  
10 first degree to a felony of the third degree.

11 (d) In the case of assault, from a misdemeanor of the  
12 second degree to a misdemeanor of the first degree.

13 (4) Notwithstanding the provisions of s. 948.01,  
14 adjudication of guilt or imposition of sentence shall not be  
15 suspended, deferred, or withheld.

16 Section 2. This act shall take effect October 1, 2006.

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