

1 A bill to be entitled
 2 An act relating to domestic violence; amending s. 784.041,
 3 F.S.; creating the offense of domestic battery by
 4 strangulation; providing criminal penalties; amending s.
 5 921.0022, F.S.; conforming the offense severity ranking
 6 chart of the Criminal Punishment Code; providing an
 7 effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Section 784.041, Florida Statutes, is amended
 12 to read:

13 784.041 Felony battery; domestic battery by
 14 strangulation.--

15 (1) A person commits felony battery if he or she:

16 (a) Actually and intentionally touches or strikes another
 17 person against the will of the other; and

18 (b) Causes great bodily harm, permanent disability, or
 19 permanent disfigurement.

20 (2) (a) A person commits domestic battery by strangulation
 21 if the person knowingly and intentionally, against the will of
 22 another, impedes the normal breathing or circulation of the
 23 blood of a family or household member or of a person with whom
 24 he or she is in a dating relationship so as to create a risk of
 25 or cause great bodily harm by applying pressure on the throat or
 26 neck of the other person or by blocking the nose or mouth of the
 27 other person. This paragraph does not apply to any act of
 28 medical diagnosis, treatment, or prescription that is authorized

29 under the laws of this state.

30 (b) As used in this subsection, the term:

31 1. "Family or household member" has the same meaning as in
 32 s. 741.28.

33 2. "Dating relationship" means a continuing and
 34 significant relationship of a romantic or intimate nature.

35 (3) ~~(2)~~ A person who commits felony battery or domestic
 36 battery by strangulation commits a felony of the third degree,
 37 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

38 Section 2. Paragraph (f) of subsection (3) of section
 39 921.0022, Florida Statutes, is amended to read:

40 921.0022 Criminal Punishment Code; offense severity
 41 ranking chart.--

42 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051 (3)	2nd	Forgery of pedigree papers.
499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.

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48	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
49	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
50	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
51	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
52	<u>784.041 (1)</u>	3rd	Felony battery.
53	<u>784.041 (2)</u>	<u>3rd</u>	<u>Domestic battery by strangulation.</u>
54	784.048 (3)	3rd	Aggravated stalking; credible threat.
55	784.048 (5)	3rd	Aggravated stalking of person under 16.
56	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
	784.074 (1) (b)	2nd	Aggravated assault on sexually

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			violent predators facility staff.
57	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
58	784.081 (2)	2nd	Aggravated assault on specified official or employee.
59	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
60	784.083 (2)	2nd	Aggravated assault on code inspector.
61	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
62	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
63	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
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65	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
66	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
67	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
68	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
69	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
70	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other

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71			person.
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
72			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
73			
	812.015 (9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
74			
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
75			
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
76			
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
77			
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
78			
	825.102 (3) (c)	3rd	Neglect of an elderly person or

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79			disabled adult.
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
80			
	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
81			
	827.03 (1)	3rd	Abuse of a child.
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	827.03 (3) (c)	3rd	Neglect of a child.
83			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
84			
	836.05	2nd	Threats; extortion.
85			
	836.10	2nd	Written threats to kill or do bodily injury.
86			
	843.12	3rd	Aids or assists person to escape.
87			
	847.0135 (2)	3rd	Facilitates sexual conduct of or

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88			with a minor or the visual depiction of such conduct.
89	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
90	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.
91	944.40	2nd	Escapes.
92	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
93	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
94	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

95 Section 3. This act shall take effect October 1, 2007.