

By the Committee on Criminal Justice; and Senator Simpson

591-02535-16

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A bill to be entitled

An act relating to terroristic threats; creating s. 836.12, F.S.; providing definitions; providing that a person commits the crime of terroristic threats if he or she threatens to commit a crime of violence under certain circumstances; providing criminal penalties; requiring payment of restitution; providing an effective date.

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

Section 1. Section 836.12, Florida Statutes, is created to read:

836.12 Terroristic threats.-

(1) As used in this section, the term:

(a) "Facility of public transportation" means a public conveyance and any area, structure, or device which is used to support, guide, control, permit, or facilitate the movement, starting, stopping, takeoff, landing, or servicing of a public conveyance, or the loading or unloading of passengers, freight, or goods. For purposes of this paragraph, the term "public conveyance" includes a passenger or freight train, airplane, bus, truck, car, boat, tramway, gondola, lift, elevator, escalator, or other device used for the public carriage of persons or property.

(b) "Family member of a person" means:

1. An individual related to the person by blood or marriage;

2. An individual living in the person's household or having the same legal residence as the person;

3. An individual who is engaged to be married to the person, or who holds himself or herself out as, or is generally

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33 known as, an individual whom the person intends to marry; or

34 4. An individual to whom the person stands in loco
 35 parentis.

36 (c) "Instructional personnel" has the same meaning as
 37 provided in s. 1012.01.

38 (d) "Law enforcement officer" means a current or former:

39 1. Law enforcement officer, correctional officer,
 40 correctional probation officer, part-time law enforcement
 41 officer, part-time correctional officer, part-time correctional
 42 probation officer, auxiliary law enforcement officer, auxiliary
 43 correctional officer, or auxiliary correctional probation
 44 officer, as those terms are respectively defined in s. 943.10,
 45 or county probation officer;

46 2. Employee or agent of the Department of Corrections who
 47 supervises or provides services to inmates;

48 3. Officer of the Florida Commission on Offender Review;

49 4. Federal law enforcement officer as defined in s.
 50 901.1505; or

51 5. Law enforcement personnel of the Fish and Wildlife
 52 Conservation Commission or the Department of Law Enforcement.

53 (2) It is unlawful for a person to threaten to commit a
 54 crime of violence with the intent to cause, or with reckless
 55 disregard for the risk of causing:

56 (a) Terror; or

57 (b) The evacuation of a building, place of assembly, or
 58 facility of public transportation.

59 (3) Except as provided in subsection (4), a person who
 60 violates subsection (2) commits a felony of the third degree,
 61 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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62 (4) A person who violates subsection (2) commits a felony
63 of the second degree, punishable as provided in s. 775.082, s.
64 775.083, or s. 775.084, if the violation:

65 (a) Causes the occupants of a building, place of assembly,
66 or facility of public transportation to be diverted from their
67 normal or customary operations;

68 (b) Involves a threat against instructional personnel, a
69 law enforcement officer, state attorney or assistant state
70 attorney, firefighter, judge, or elected official; or

71 (c) Involves a threat against a family member of a person
72 identified in paragraph (b).

73 (5) A person convicted of violating subsection (2) shall,
74 in addition to any other restitution or penalty provided by law,
75 pay restitution for all costs and damages caused by an
76 evacuation resulting from the criminal conduct.

77 Section 2. This act shall take effect July 1, 2016.