

ENROLLED

CS/HB 1375

2023 Legislature

1  
 2 An act relating to battery by strangulation; creating  
 3 s. 784.031, F.S.; prohibiting battery by  
 4 strangulation; providing criminal penalties; amending  
 5 s. 921.0022, F.S.; ranking the offense on the offense  
 6 severity ranking chart of the Criminal Punishment  
 7 Code; providing an effective date.  
 8

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

10  
 11 Section 1. Section 784.031, Florida Statutes, is created  
 12 to read:

13 784.031 Battery by strangulation.—

14 (1) A person commits battery by strangulation if he or she  
 15 knowingly and intentionally, against the will of another person,  
 16 impedes the normal breathing or circulation of the blood of that  
 17 person so as to create a risk of or cause great bodily harm by  
 18 applying pressure on the throat or neck of the other person or  
 19 by blocking the nose or mouth of the other person. This  
 20 subsection does not apply to any act of medical diagnosis,  
 21 treatment, or prescription which is authorized under the laws of  
 22 this state.

23 (2) A person who violates subsection (1) commits a felony  
 24 of the third degree, punishable as provided in s. 775.082, s.  
 25 775.083, or s. 775.084.

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26 Section 2. Paragraph (d) of subsection (3) of section  
 27 921.0022, Florida Statutes, is amended to read:

28 921.0022 Criminal Punishment Code; offense severity  
 29 ranking chart.—

30 (3) OFFENSE SEVERITY RANKING CHART

31 (d) LEVEL 4

32

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

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36	517.07(1)	3rd	Failure to register securities.
37	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
38	<u>784.031</u>	<u>3rd</u>	<u>Battery by strangulation.</u>
39	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
40	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
41	784.075	3rd	Battery on detention or commitment facility staff.
42	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
43	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
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45	784.081 (3)	3rd	Battery on specified official or employee.
46	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
47	784.083 (3)	3rd	Battery on code inspector.
48	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
49	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
50	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at

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			custody hearing or delivering to designated person.
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	787.07	3rd	Human smuggling.
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	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
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	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
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	790.115 (2) (c)	3rd	Possessing firearm on school property.
55			
	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
56			
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
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	806.135	2nd	Destroying or demolishing a memorial or historic property.
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59	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
60	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
61	810.06	3rd	Burglary; possession of tools.
62	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
63	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
64	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.

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65	817.505 (4) (a)	3rd	Patient brokering.
66	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
67	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
68	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
69	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
70	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
71	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with

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			intent to promote it.
72	836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
73	837.02(1)	3rd	Perjury in official proceedings.
74	837.021(1)	3rd	Make contradictory statements in official proceedings.
75	838.022	3rd	Official misconduct.
76	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
77	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
78	843.021	3rd	Possession of a concealed handcuff key by a person in

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79			custody.
80	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
81	843.15(1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
82	847.0135(5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
83	870.01(3)	2nd	Aggravated rioting.
84	870.01(5)	2nd	Aggravated inciting a riot.
85	874.05(1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
	893.13(2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d),

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			(2) (a), (2) (b), or (2) (c) 5. drugs).
86	914.14 (2)	3rd	Witnesses accepting bribes.
87	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
88	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
89	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
90	918.12	3rd	Tampering with jurors.
91	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
92	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device)

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into correctional institution.

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951.22(1)(h),  
(j) & (k)

3rd

Intoxicating drug,  
instrumentality or other device  
to aid escape, or cellular  
telephone or other portable  
communication device introduced  
into county detention facility.

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Section 3. This act shall take effect October 1, 2023.