PCS for HB 309

ORIGINAL

1	A bill to be entitled
2	An act relating to crimes evidencing prejudice;
3	amending s. 775.085, F.S.; providing for the
4	enhancement of penalties for an offense if the
5	commission of the offense evidences prejudice based on
6	the victim's employment as a justice or judge, a
7	correctional officer or correctional probation
8	officer, or as a first responder; defining a term;
9	providing an effective date.
10	
11	Be It Enacted by the Legislature of the State of Florida:
12	
13	Section 1. Section 775.085, Florida Statutes, is amended
14	to read:
15	775.085 Evidencing prejudice while committing offense;
16	reclassification
17	(1)(a) The penalty for any felony or misdemeanor shall be
18	reclassified as provided in this subsection if the commission of
19	such felony or misdemeanor evidences prejudice based on the
20	race, color, ancestry, ethnicity, religion, sexual orientation,
21	national origin, homeless status, mental or physical disability,
22	or advanced age of the victim <u>or the victim's employment as a</u>
23	justice or a judge for the state courts system as defined in s.
24	25.382, a correctional officer or a correctional probation
25	officer as defined in s. 943.10, or a first responder as defined
26	<u>in s. 112.1815</u> :
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2016

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27 1. A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree. 28 29 2. A misdemeanor of the first degree is reclassified to a 30 felony of the third degree. 31 3. A felony of the third degree is reclassified to a 32 felony of the second degree. 33 4. A felony of the second degree is reclassified to a felony of the first degree. 34 5. A felony of the first degree is reclassified to a life 35 36 felony. 37 (b) As used in paragraph (a), the term: 38 4.1. "Mental or physical disability" means that the victim 39 suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or 40 41 mental illness, and has one or more physical or mental limitations that restrict the victim's ability to perform the 42 43 normal activities of daily living. 1.2. "Advanced age" means that the victim is older than 65 44 45 years of age. 3. "Homeless status" means that the victim: 46 47 a. Lacks a fixed, regular, and adequate nighttime 48 residence; or Has a primary nighttime residence that is: 49 b. A supervised publicly or privately operated shelter 50 (I) 51 designed to provide temporary living accommodations; or 52 A public or private place not designed for, or (II)

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2016

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### ORIGINAL

2016

53 ordinarily used as, a regular sleeping accommodation for human 54 beings. 2. "Employment" includes a full-time, a part-time, an 55 56 auxiliary, or a volunteer position. A person or organization that establishes by clear and 57 (2) convincing evidence that it has been coerced, intimidated, or 58 threatened in violation of this section has a civil cause of 59 action for treble damages, an injunction, or any other 60 appropriate relief in law or in equity. Upon prevailing in such 61 62 civil action, the plaintiff may recover reasonable attorney 63 attorney's fees and costs. It is an essential element of this section that the 64 (3) 65 record reflect that the defendant perceived, knew, or had 66 reasonable grounds to know or perceive that the victim was within the class delineated in this section. 67 Section 2. This act shall take effect October 1, 2016. 68

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