

1 A bill to be entitled
 2 An act relating to offenses committed on assistant
 3 state attorneys; amending s. 784.07, F.S.; providing
 4 for the enhancement of criminal penalties for certain
 5 assault or battery offenses committed on assistant
 6 state attorneys; providing an effective date.

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

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 10 Section 1. Paragraph (d) of subsection (1) of section
 11 784.07, Florida Statutes, is amended and subsection (2) of that
 12 section is republished, to read:

13 784.07 Assault or battery of ~~law enforcement officers,~~
 14 ~~firefighters, emergency medical care providers, public transit~~
 15 ~~employees or agents, or other~~ specified officers;
 16 reclassification of offenses; minimum sentences.—

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

18 (d) "Law enforcement officer" includes a law enforcement
 19 officer, a correctional officer, a correctional probation
 20 officer, a part-time law enforcement officer, a part-time
 21 correctional officer, an auxiliary law enforcement officer, and
 22 an auxiliary correctional officer, as those terms are
 23 respectively defined in s. 943.10, and any county probation
 24 officer; an employee or agent of the Department of Corrections
 25 who supervises or provides services to inmates; an officer of

26 | the Florida Commission on Offender Review; a federal law
 27 | enforcement officer as defined in s. 901.1505; ~~and~~ law
 28 | enforcement personnel of the Fish and Wildlife Conservation
 29 | Commission, the Department of Environmental Protection, or the
 30 | Department of Law Enforcement; and an assistant state attorney,
 31 | as described in s. 27.181.

32 | (2) Whenever any person is charged with knowingly
 33 | committing an assault or battery upon a law enforcement officer,
 34 | a firefighter, an emergency medical care provider, a railroad
 35 | special officer, a traffic accident investigation officer as
 36 | described in s. 316.640, a nonsworn law enforcement agency
 37 | employee who is certified as an agency inspector, a blood
 38 | alcohol analyst, or a breath test operator while such employee
 39 | is in uniform and engaged in processing, testing, evaluating,
 40 | analyzing, or transporting a person who is detained or under
 41 | arrest for DUI, a law enforcement explorer, a traffic infraction
 42 | enforcement officer as described in s. 316.640, a parking
 43 | enforcement specialist as defined in s. 316.640, a person
 44 | licensed as a security officer as defined in s. 493.6101 and
 45 | wearing a uniform that bears at least one patch or emblem that
 46 | is visible at all times that clearly identifies the employing
 47 | agency and that clearly identifies the person as a licensed
 48 | security officer, or a security officer employed by the board of
 49 | trustees of a community college, while the officer, firefighter,
 50 | emergency medical care provider, railroad special officer,

51 traffic accident investigation officer, traffic infraction
52 enforcement officer, inspector, analyst, operator, law
53 enforcement explorer, parking enforcement specialist, public
54 transit employee or agent, or security officer is engaged in the
55 lawful performance of his or her duties, the offense for which
56 the person is charged shall be reclassified as follows:

57 (a) In the case of assault, from a misdemeanor of the
58 second degree to a misdemeanor of the first degree.

59 (b) In the case of battery, from a misdemeanor of the
60 first degree to a felony of the third degree. Notwithstanding
61 any other provision of law, a person convicted of battery upon a
62 law enforcement officer committed in furtherance of a riot or an
63 aggravated riot prohibited under s. 870.01 shall be sentenced to
64 a minimum term of imprisonment of 6 months.

65 (c) In the case of aggravated assault, from a felony of
66 the third degree to a felony of the second degree.
67 Notwithstanding any other provision of law, any person convicted
68 of aggravated assault upon a law enforcement officer shall be
69 sentenced to a minimum term of imprisonment of 3 years.

70 (d) In the case of aggravated battery, from a felony of
71 the second degree to a felony of the first degree.
72 Notwithstanding any other provision of law, any person convicted
73 of aggravated battery of a law enforcement officer shall be
74 sentenced to a minimum term of imprisonment of 5 years.

75 Section 2. This act shall take effect October 1, 2023.