

HB 431 – Abuse of a Parent

This bill creates s. 790.233, F.S., adding seven unranked felony offenses related to aggravated battery, aggravated assault, false imprisonment, or exploitation of a parent by their child (under 18 years of age). Ranked offenses currently exist for aggravated battery, aggravated assault, false imprisonment, aggravated abuse of the elderly or disabled with great bodily harm, permanent disability, or permanent disfigurement, as well as various monetary thresholds determining the severity of exploitation of the elderly or disabled adult. **See handout.**

Additionally, this bill creates a potential for diversion from prison: “upon request of the state attorney or defense attorney, the court may reduce a felony charge to a misdemeanor and provide alternative sentencing. Such alternative sentencing may include, but is not limited to, probation or required attendance in specialized intervention programs.”

Per DOC, in FY 15-16, there were 61 (adj.) offenders under 18 years of age sentenced for aggravated assault, with 28 (adj.) of these offenders sentenced to prison (mean sentence length=40.4 m, incarceration rate: 45.9% adj.-45.1% unadj.). There were 78 (adj.) offenders under 18 years of age sentenced for aggravated battery, with 48 (adj.) of these offenders sentenced to prison (mean sentence length=54.7 m, incarceration rate: 61.5% adj.-61.5% unadj.). False imprisonment involves children under age 13, and 4 (adj.) people under 18 were sentenced for this offense, though they did not receive prison sentences. Nobody under 18 was sentenced for aggravated abuse of the elderly or exploiting elderly or disabled adults for their assets. It is unknown how many of the assault and battery offenses were committed against parents.

General versions of these offenses already exist, and are ranked higher than the new offenses. Also, the juvenile justice system and the opportunity for alternative sentencing described in this bill might lessen the impact of additional offenders entering prison.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House

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New felony offenses					Comparable/non-parent offenses			
		Felony degree	CC Level	Lowest permissible sentence		Felony degree	CC Level	Lowest permissible sentence
1	Aggravated battery of a parent	2nd	4 (unranked)	Non-prison	Aggravated battery	2nd	7	21 months
2	Aggravated assault of a parent	3rd	1 (unranked)	Non-prison	Aggravated assault	3rd	6	Non-prison
3	False imprisonment of a parent	3rd	1 (unranked)	Non-prison	False imprisonment	3rd	6	Non-prison
4	Aggravated abuse (great bodily harm to, permanent disability of, or permanent disfigurement of a parent)	1st	7 (unranked)	21 months	Aggravated abuse (great bodily harm to, permanent disability of, or permanent disfigurement of an elderly or disabled adult) (elderly defined as 60 or older)	1st	8	34.5 months
5	Exploitation of parent, value of assets is equal to or greater than \$50,000	1st	7 (unranked)	21 months	Exploitation of elderly or disabled adult, value of assets is equal to or greater than \$50,000	1st	8	34.5 months
6	Exploitation of parent, value of assets is \$10,000 or more but less than \$50,000	2nd	4 (unranked)	Non-prison	Exploitation of elderly or disabled adult, value of assets is equal to or greater than \$10,000 and less than \$50,000	2nd	7	21 months
7	Exploitation of parent, value of assets is \$5,000 or more but less than \$10,000	3rd	1 (unranked)	Non-prison	Exploitation of elderly or disabled adult, value of assets is less than \$10,000	3rd	6	Non-prison