

CS/SB 1092 – Criminal Offenses Against Law Enforcement Officers and Other Personnel (Identical HB 1657)

This bill amends multiple statutes. First, it amends s. 776.051, F.S., stating that (new language in bold): “A person is not justified in the use or threatened use of force to **resist a lawful or an unlawful arrest or detention** by a law enforcement officer, or to resist a law enforcement officer **who is acting in the performance of his or her** official duties as described in s. 943.10(1), F.S., if he or she is known, or reasonably appears, to be a law enforcement officer.” The language also deletes “who is engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith.” Furthermore, it deletes the following language: “A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known by him or her to be unlawful.” It also amends s. 782.065, F.S., adding manslaughter to when a person must be sentenced to life imprisonment without the eligibility of release due to killing or attempting to kill a law enforcement officer, correctional officer, or correctional probation officer. It also deletes that the officer was “engaged in the lawful performance of a legal duty” and adds “was acting in the performance of his or her official duties as described in s. 943.10, F.S.” It also amends s. 784.07, F.S., adding that “the duties and responsibilities of these respective positions are described in s. 943.10, F.S.” Additionally, it deletes “is engaged in the lawful performance of his or her duties” and adds in its place “who is acting in the performance of his or her official duties.” This could expand the pool of offenders for assault or battery of law enforcement officers. Finally, this bill amends s. 843.01, F.S., for resisting, obstructing, or opposing by offering or doing violence to legally authorized person, police canine, or police horse, deleting “in the lawful execution of any legal duty” and adding in its place “acting in the performance of his or her official duties as described in s. 943.10, F.S.”

Per DOC, in FY 22-23, there were two new commitments to prison under s. 782.065, F.S., 404 new commitments to prison under s. 784.07, F.S., and 178 new commitments to prison under s. 843.01, F.S. There were 4 new commitments to prison for manslaughter of law enforcement officers, correctional officers, correctional probation officers, or other first responders (s. 782.07, F.S.). Both s. 782.07, F.S. and s. 784.07, F.S. include other specified personnel, so it is not known how many of these offenses involve the respective positions listed under s. 943.10, F.S. Furthermore, it is not known how the removal of police acting lawfully would impact the prison population.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate