

CS/HB 71 – Violent Offenses Committed Against Criminal Defense Attorneys (Identical CS/SB 384)

This bill adds “any public defender elected pursuant to s. 27.50, F.S. or regional counsel appointed pursuant to s. 27.511(3), F.S....any court-appointed counsel appointed under s. 27.40, F.S. or defense attorney in a criminal proceeding” to s. 775.0823, F.S., which addresses violent offenses against law enforcement officers, correctional officers, elected state attorneys, assistant state attorneys, or any justice or judge of a court. Sentence point multipliers are applied depending on the severity of the offense, ranging between 1.5 for aggravated assault/battery to 2.5 for attempted first degree murder, with the minimum of “imprisonment for life without eligibility for release” for murder in the first degree.

Per DOC, data on the profession of victims is not available for most of the violent offenses covered in this statute. However, per FDLE, there were 11 officers killed feloniously between 2015 and 2020. Also, s. 784.07, F.S. does cover offense reclassification for aggravated assault/battery of law enforcement officers, firefighters, emergency medical providers, public transit employees, etc. In FY 18-19, there were 122 new commitments to prison for these offenses and in FY 19-20, there were 103 new commitments. In FY 20-21, there were 101 new commitments, and there were 119 new commitments in FY 21-22. Finally, s. 782.07(4), F.S. contains a felony for manslaughter of law enforcement officers, firefighters, and other first responders. There have been 2 new commitments in the last four fiscal years for a violation of s. 782.07(4), F.S. Multiple professions are currently covered under these statutes, so this new language would not be expected to have a significant impact on the prison population.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House & Senate