

CS/SB 156 – Criminal Offenses Against Law Enforcement Officers and Other Personnel (Similar CS/HB 17)

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 **any arrest or detention** by a law enforcement officer, or to resist a law enforcement officer who is engaged in the **performance of his or her official duties as described in s. 943.10(1), F.S.**, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.” The language also deletes “execution of a legal duty.” It then adds the following language: “As used in this section, the term “acting in good faith” means to make sincere and reasonable efforts to comply with legal requirements, even if the arrest, detention, or other act is later found to have been unlawful. 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 the officer’s “lawful performance of a legal duty” and adds “who was engaged 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., for assault or battery of law enforcement officers and other specified personnel, adding to the definition of “law enforcement officer” that “the duties and responsibilities of these respective positions are described in s. 943.10, F.S.” Additionally, it deletes “lawful” for all personnel and adds in its place “engaged in the performance of his or her official duties.” Furthermore, while under current language a 1st degree misdemeanor is increased to a Level 4, 3rd degree felony for battery of a law enforcement officer, firefighter, and other specified personnel, the 1st degree misdemeanor would be increased to a **Level 5, 3rd degree felony** for this offense. 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 “lawful execution of any legal duty” and adding in its place “engaged in the performance of his or her official duties as described in s. 943.10, F.S.” In addition to the changes to felonies in the amended statutes above, the amended language in s. 776.051, F.S. could impact the pool of offenders for these felonies by potentially increasing the pool of offenders for those resisting arrest and potentially decreasing the pool of offenders for law enforcement officers using force while knowingly committing an unlawful act.

Per DOC, in FY 24-25, there were two new commitments to prison under s. 782.065, F.S., 381 new commitments to prison under s. 784.07, F.S., and 179 new commitments to prison under s. 843.01, F.S. Of the 381 new commitments under s. 784.07, F.S., 242 would be potentially impacted by the increase in felony level. However, it is unknown how this change would increase the number of future new commitments with both Level 4 and Level 5, 3rd degree felonies hovering around a 20% incarceration rate over the last two fiscal years. There was one new commitment 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 definition of “acting in good faith” and other changes to the statutory language, such as the inclusion of “detention” for when someone is not justified in resisting, or removing that a law enforcement officer’s use of force is not permitted during a knowingly unlawful arrest, would impact the pool of potential offenders.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate & House