

CS/SB 436 – Felony Battery

This bill amends multiple statutes. First, this bill amends s. 775.082, F.S. adding “felony battery that results in bodily injury” to the list of offenses that a releasee might commit within three years of leaving prison that would result in a mandatory sentence. This bill also amends s. 784.03, F.S., adding the following language to the Level 1, 3rd degree felony (new language in bold): “a person who has one prior conviction for battery, aggravated battery, felony battery, **or resisting an officer with violence under s. 843.01, F.S.** and who commits any second or subsequent battery...” This would impact those offenders currently charged with 1st degree misdemeanors for battery who had a prior conviction for resisting an officer with violence.

Per DOC, in FY 24-25, there were 91 admissions to prison for felony battery who were released within three years of this offense. However, it is not known how many felony battery offenses resulted in bodily injury. Per FDLE, in FY 24-25, there were 1,138 arrests for the 1st degree misdemeanor under s. 784.03, F.S., with 405 guilty/convicted charges and 70 adjudication withheld charges for those with a prior conviction or adjudication withheld under s. 843.01, F.S. Per DOC, the incarceration rate for this felony was between 11% and 15% over the last three fiscal years. This is higher than the incarceration rate for Level 1, 3rd degree felonies in general (9.7% in FY 24-25). However, even with the lowest incarceration rate the number of offenders that would be incarcerated would be above the threshold for significance (25 offenders in a fiscal year).

CONFERENCE ADOPTED ESTIMATE: Positive Significant

Requested by: Senate