

CS/SB 682 – Violent Criminal Offenses

Multiple statutes are amended and created with new language. First, it amends s. 741.28, F.S., expanding the types of offenses included under the definition of domestic violence. It then creates s. 741.2801, F.S., adding potential penalty enhancements for domestic violence offenses as follows:

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- 2nd degree misdemeanor increased to 1st degree misdemeanor
- 1st degree misdemeanor increased to 3rd degree felony
- 3rd degree felony increased to 2nd degree felony
- 2nd degree felony increased to 1st degree felony
- 1st degree felony increased to life felony

It then amends s. 741.281, F.S., allowing the court to include electronic monitoring as a condition of a domestic violence offender's probation, which could increase the number of technical violators potentially sentenced to prison. It also creates s. 741.282, F.S., developing a deferred sentencing program for misdemeanor domestic violence offenses committed by first time offenders.

It then creates s. 741.285, F.S., allowing for the reclassification of a domestic violence offense while under a state of emergency as follows:

- 2nd degree misdemeanor increased to 1st degree misdemeanor
- 1st degree misdemeanor increased to 3rd degree felony
- 3rd degree felony increased to 2nd degree felony
- 2nd degree felony increased to 1st degree felony
- 1st degree felony increased to life felony

Furthermore, it amends s. 741.30, F.S., a petition for injunction for protection against domestic violence, expanding the language to include the new definition for domestic violence as well as how a family pet can be involved under domestic violence. S. 741.31, F.S. is also amended for a violation of an injunction for protection against domestic violence, reducing that prior convictions for such a violation have to be two or more to only a single prior conviction and stating that the violation does not have to be against the same victim. This too adds that the court may order electronic monitoring. New language is added under 784.046, F.S. when petitioning for a protective injunction against repeat violence, sexual violence, or dating violence for when it comes to questioning a petitioner and advising them of services offered. Additionally, s. 784.047, F.S. is amended for these protective injunctions with the same new language included under s. 741.31, F.S. Furthermore, s. 784.0471, F.S. is created where a violation of a protective injunction under a state of emergency can be reclassified as follows:

- 2nd degree misdemeanor increased to 1st degree misdemeanor
- 1st degree misdemeanor increased to 3rd degree felony
- 3rd degree felony increased to 2nd degree felony
- 2nd degree felony increased to 1st degree felony

1st degree felony increased to life felony

Per DOC, in FY 24-25, there were 9 new commitments to prison for a violation of an injunction against domestic violence and two new commitments for a violation of an injunction against dating violence, repeat violence, or sexual violence. It is not known how many additional commitments there would be by reducing prior violations to one, nor is it known how the expanded definition for domestic violence and other expansions to the injunction language would increase the number of commitments. It is also not known how many offenders committed domestic violence or violated a protective injunction against dating violence, repeat violence, or sexual violence during a state of emergency. Per DOC, in FY 24-25, there were 4,416 technical violators sentenced to prison. It is not known how many additional offenders there would be with the inclusion of electronic monitoring for those who committed domestic violence. Finally, data is not available for the number of domestic violence offenders committed to prison, and it is not known how many additional offenders there would be with the expanded list of offenses added to the definition of domestic violence.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate