

CS/SB 890 – Felony Battery

This bill amends the Level 4, 3rd degree felony for battery by strangulation under s. 784.031, F.S., increasing it to a **Level 6, 3rd degree felony**, and also removing the language involving creating a risk of or causing great bodily harm, therefore expanding the pool of potential offenders by including acts of strangulation that do not create a risk or cause great bodily harm. This bill also amends the Level 6, 3rd degree felony for domestic battery by strangulation under s. 784.041, F.S., removing the same language involving creating a risk of or causing great bodily harm.

Per DOC, in FY 24-25, there were 7 new commitments for battery by strangulation against another person, currently a Level 4, 3rd degree felony, and there were 166 new commitments to prison for a violation of the Level 6, 3rd degree felony for domestic battery by strangulation. Given the low number of new commitments for battery by strangulation against another person under current law and the small difference in incarceration rates between Level 4 (21%) and Level 6 (26%) 3rd felonies, the increase in felony level is not expected to have a significant impact. However, it is not known how the removal of the language creating a risk of or causing great bodily harm from both felonies would impact the prison population.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate