

SB 660 – Assault or Battery on a Utility Worker

This bill adds utility workers to s.784.07, which addresses assault or battery of law enforcement officers, firefighters, emergency medical providers, public transit employees, etc.

Assault increased from 2nd degree misdemeanor to 1st degree misdemeanor;

Battery from 1st degree misdemeanor to 3rd degree felony

Aggravated assault from 3rd degree felony to 2nd degree felony

Aggravated battery from 2nd degree felony to 1st degree felony

Large numbers come to prison each year with these offenses as primary. 1,993 (adj) were sentenced in FY 13-14 with 484 (adj) sentenced to prison. **See Handout.**

It is unknown how large the utility worker victim pool is, but simple battery is the most common felony offense and the incarceration rate is low (16%). CJIC have been heard bills with the same provisions in prior years and found them to have an insignificant impact due to low volume.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate

SB 660 -- Assault or battery on utility workers

These bills add utility workers to the list of professions in s. 784.07, F.S. , which increases the felony degree of assault and battery offenses when the victim is a utility worker.

Current assault and battery offenses on law enforcement and other professions (s. 784.07, F.S.)

| Statute | Primary Offense | Felony Degree | Offense Severity Level | Criminal Code Lowest Permissible Sentence (in months) ¹ | Maximum Sentence Under Criminal Code (Based on degree) | Number Sentenced FY 13-14 ² | Number Receiving Prison ² | Percent Receiving Prison | Mean Sentence Length (in months) |
|---------------|---|---------------|------------------------|--|--|--|--------------------------------------|--------------------------|----------------------------------|
| 784.087(2)(b) | BATTERY; OF LAW ENFORCEMENT OFFICER OR FIREFIGHTER OR INTAKE OFFICER, ETC. | 3rd | 4 | Non-prison | 5 years | 1,667 | 267 | 16.0% | 25.1 |
| 784.087(2)(c) | AGGRAVATED ASSAULT; OF LAW ENFORCEMENT OFFICER OR FIREFIGHTER OR INTAKE OFFICER, ETC. | 2nd | 6 | Non-prison | 15 years | 207 | 132 | 63.9% | 68.6 |
| 784.087(2)(d) | AGGRAVATED BATTERY; OF LAW ENFORCEMENT OFFICER OR FIREFIGHTER OR INTAKE OFFICER, ETC. | 1st | 7 | 21 | 30 years | 119 | 85 | 71.1% | 107.4 |

¹ Criminal Code Lowest Permissible Sentence assumes no additional or prior offenses and is based on offense severity level.

² Adjusted for non-compliance in the completion of scoresheets. Per Department of Corrections report entitled, "Sentencing Scoresheet Compliance Report July 1, 2013 - June 30, 2014", compliance is about 69.6%.