

HB 369 – Offenses Committed on Assistant State Attorneys (Identical SB 446)

This bill adds “**an assistant state attorney, as described in s. 27.181, F.S.**” to s. 784.07, F.S., which addresses assault or battery of law enforcement officers, firefighters, emergency medical providers, public transit employees, etc. Offenses under this statute are reclassified as follows:

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. In FY 18-19, there were 400 new commitments to prison for these offenses and in FY 19-20, there were 286 new commitments. In FY 20-21, there were 260 new commitments, and there were 320 new commitments in FY 21-22. It is unknown how large the assistant state attorney victim pool is, but simple battery is the most common felony offense and the incarceration rate is low (16.2% in FY 18-19, 14.4% in FY 19-20, 16.7% in FY 20-21, and 14.4% in FY 21-22). CJIC has 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