

SB 1300 – Animals Working with Law Enforcement Officers

This bill amends s. 843.01, F.S., changing the language for resisting officers with violence to the following (new language in bold): “**A person who** knowingly and willfully resists, obstructs, or opposes any **of the following officers, persons, or police animals by offering or doing violence to any such officers, persons, or animals** commits” a Level 5, 3rd degree felony. This new language would expand the violent acts to “a police canine or police horse as those terms are defined in s. 843.19, F.S. working at the direction of or in tandem with an officer or a legally authorized person.”

This bill also amends s. 843.19(3), F.S., elevating the 1st degree misdemeanor to an **unranked, 3rd degree felony (Level 1 by default)** for “any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine, fire canine, SAR canine, or police horse.” It also elevates the 2nd degree misdemeanor to a **1st degree misdemeanor** for “any person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while the animal is in the performance of its duties.”

In FY 18-19, the incarceration rate for a Level 1, 3rd degree felony was 9.1%, and in FY 19-20 the incarceration rate was 8.2%. In FY 20-21, the incarceration rate for a Level 1, 3rd degree felony was 7.5%, and in FY 21-22 the incarceration rate was 8.6%.

Per DOC, in FY 18-19, there were 206 new commitments to prison for resisting officers with violence under s. 843.01, F.S. In FY 19-20, there were 167 new commitments, and there were 134 new commitments in FY 20-21. There were 153 new commitments in FY 21-22. It is not known how many offenders would be added with the expanded language.

A Level 3, 2nd degree felony currently exists under s. 843.19(2), F.S. for “any person who intentionally and knowingly, without lawful cause or justification, causes great bodily harm, permanent disability, or death to, or uses a deadly weapon upon, a police canine, fire canine, SAR canine, or police horse.” Per DOC, there have been no new commitments in the last four fiscal years. Per FDLE, for the current 1st misdemeanor under s. 843.19(3), F.S., there were 65 arrests, with 45 guilty/convicted charges and 4 adjudication withheld charges in FY 19-20. In FY 20-21, there were 46 arrests, with 23 guilty/convicted charges and 6 adjudication withheld charges. And there were 35 arrests, with 32 guilty/convicted charges and 2 adjudication withheld charges in FY 21-22.

Without enough information on how many offenders could be affected by the expanded definition of resisting an officer with violence, the impact on the prison population cannot be quantified.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate