1 A bill to be entitled 2 An act relating to sexual misconduct battery; amending 3 s. 784.041, F.S.; defining the offense of sexual 4 misconduct battery; providing criminal penalties; 5 amending ss. 775.0861, 921.0022, and 943.0584, F.S.; 6 conforming provisions to changes made by the act; 7 providing an effective date. 8 Be It Enacted by the Legislature of the State of Florida: 9 10 11 Section 1. Subsection (3) of section 784.041, Florida 12 Statutes, is renumbered as subsection (4) and amended, and a new 13 subsection (3) is added to that section, to read: 784.041 Felony battery; domestic battery by strangulation; 14 15 sexual misconduct battery.-16 (3)(a) A person commits sexual misconduct battery if he or 17 she: 1. Actually and intentionally touches or strikes another 18 person against the will of the other person; and 19 2. Touches the sexual organ or anus of the other person. 20 21 (b) This subsection does not apply to any act of medical 22 diagnosis, treatment, or prescription that is authorized under 23 the laws of this state. 24 (4) A person who commits felony battery, or domestic

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battery by strangulation, or sexual misconduct battery commits a

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26
    felony of the third degree, punishable as provided in s.
27
    775.082, s. 775.083, or s. 775.084.
28
         Section 2. Paragraph (d) of subsection (2) of section
29
    775.0861, Florida Statutes, is amended to read:
         775.0861 Offenses against persons on the grounds of
30
    religious institutions; reclassification.-
31
32
              The felony or misdemeanor degree of any violation of:
              Section 784.041, relating to felony battery, domestic
33
34
    battery by strangulation, and sexual misconduct battery;
35
    shall be reclassified as provided in this section if the offense
36
    is committed on the property of a religious institution while
37
    the victim is on the property for the purpose of participating
38
39
    in or attending a religious service.
         Section 3. Paragraph (f) of subsection (3) of section
40
41
    921.0022, Florida Statutes, is amended to read:
         921.0022 Criminal Punishment Code; offense severity
42
43
    ranking chart.-
         (3) OFFENSE SEVERITY RANKING CHART
44
45
         (f) LEVEL 6
46
    Florida
                       Felony
    Statute
                       Degree
                                          Description
47
                       2nd
    316.027(2)(b)
                                Leaving the scene of a crash
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48			involving serious bodily injury.
49	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
49	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
50	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction
51			statement.
	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
52	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
53	775.0875(1)	3rd	Taking firearm from law enforcement officer.

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54			
	784.021(1)(a)	3rd	Aggravated assault; deadly
			weapon without intent to kill.
55			
	784.021(1)(b)	3rd	Aggravated assault; intent to
			commit felony.
56			
	784.041	3rd	Felony battery; domestic
			battery by strangulation <u>;</u>
			sexual misconduct battery.
57			
	784.048(3)	3rd	Aggravated stalking; credible
F 0			threat.
58	704 040 (5)	2 1	
	784.048 (5)	3rd	Aggravated stalking of person under 16.
59			under 16.
39	784.07(2)(c)	2nd	Aggravated assault on law
	704.07(2)(0)	2110	enforcement officer.
60			enforcement officer.
	784.074(1)(b)	2nd	Aggravated assault on sexually
			violent predators facility
			staff.
61			
	784.08(2)(b)	2nd	Aggravated assault on a person
			Dogo 4 of 11

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62			65 years of age or older.
63	784.081(2)	2nd	Aggravated assault on specified official or employee.
63	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
64			
	784.083(2)	2nd	Aggravated assault on code inspector.
65			
	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
66			
	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
67			
	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
68			
	790.164(1)	2nd	False report concerning bomb,

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			explosive, weapon of mass
			destruction, act of arson or
			violence to state property, or
			use of firearms in violent
			manner.
69			
	790.19	2nd	Shooting or throwing deadly
			missiles into dwellings,
			vessels, or vehicles.
70			
	794.011(8)(a)	3rd	Solicitation of minor to
			participate in sexual activity
			by custodial adult.
71			
	794.05(1)	2nd	Unlawful sexual activity with
			specified minor.
72			
	800.04(5)(d)	3rd	Lewd or lascivious molestation;
			victim 12 years of age or older
			but less than 16 years of age;
			offender less than 18 years.
73			
	800.04(6)(b)	2nd	Lewd or lascivious conduct;
			offender 18 years of age or
			older.

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74			
	806.031(2)	2nd	Arson resulting in great bodily
			harm to firefighter or any
			other person.
75			
	810.02(3)(c)	2nd	Burglary of occupied structure;
			unarmed; no assault or battery.
76			
	810.145(8)(b)	2nd	Video voyeurism; certain minor
			victims; 2nd or subsequent
			offense.
77			
	812.014(2)(b)1.	2nd	Property stolen \$20,000 or
			more, but less than \$100,000,
			grand theft in 2nd degree.
78			
	812.014(6)	2nd	Theft; property stolen \$3,000
			or more; coordination of
			others.
79			
	812.015(9)(a)	2nd	Retail theft; property stolen
			\$750 or more; second or
			subsequent conviction.
80			
	812.015(9)(b)	2nd	Retail theft; aggregated
[D 7 (44

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81			property stolen within 30 days is \$3,000 or more; coordination of others.
82	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
83	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
84	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
86	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
87	825.1025(3)	3rd	Lewd or lascivious molestation

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88			of an elderly person or disabled adult.
	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
90	827.03(2)(c)	3rd	Abuse of a child.
91	827.03(2)(d)	3rd	Neglect of a child.
	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
92			-
93	836.05	2nd	Threats; extortion.
	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
94	0.4.2. 1.0	21	
	843.12	3rd	Aids or assists person to escape.
95			

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	847.011	3rd	Distributing, offering to
			distribute, or possessing with
			intent to distribute obscene
			materials depicting minors.
96			
	847.012	3rd	Knowingly using a minor in the
			production of materials harmful
			to minors.
97			
	847.0135(2)	3rd	Facilitates sexual conduct of
			or with a minor or the visual
			depiction of such conduct.
98			
	914.23	2nd	Retaliation against a witness,
			victim, or informant, with
			bodily injury.
99			
	944.35(3)(a)2.	3rd	Committing malicious battery
			upon or inflicting cruel or
			inhuman treatment on an inmate
			or offender on community
			supervision, resulting in great
			bodily harm.
100			
	944.40	2nd	Escapes.
ļ			D 40 (44

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101					
	944.46	3rd	Harboring, concealing, aiding		
			escaped prisoners.		
102					
	944.47(1)(a)5.	2nd	Introduction of contraband		
			(firearm, weapon, or explosive)		
			into correctional facility.		
103	3				
	951.22(1)(i)	3rd	Firearm or weapon introduced		
			into county detention facility.		
104	:				
105	Section 4. Para	Section 4. Paragraph (h) of subsection (2) of section			
106	943.0584, Florida Statutes, is amended to read:				
107	943.0584 Criminal history records ineligible for court-				
108	ordered expunction or court-ordered sealing.—				
109	(2) A criminal history record is ineligible for a				
110	certificate of eligibility for expunction or a court-ordered				
111	expunction pursuant to s. 943.0585 or a certificate of				
112	eligibility for sealing or a court-ordered sealing pursuant to				
113	s. 943.059 if the red	s. 943.059 if the record is a conviction for any of the			
114	following offenses:	following offenses:			
115	(h) Felony batt	tery,	domestic battery by strangulation <u>or</u>		
116	sexual misconduct bat	ttery,	or aggravated battery, as defined in		
117	ss. 784.03, 784.041,	and 7	84.045, respectively;		
118	Section 5. This	s act	shall take effect October 1, 2022.		
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