

(1) The grand jury shall consist of not less than 15 or more than 18 persons. The chief judge of any circuit court may provide for the replacement of any grand juror who, for good cause, is unable to complete the term of the grand jury. Such replacement shall be made by appropriate order of the chief judge from the list of prospective jurors from which the replaced grand juror was selected. The provisions of law governing the qualifications, disqualifications, excusals, drawing, summoning, supplying deficiencies, compensation, and procurement of petit jurors shall apply to grand jurors. In addition, no elected public official shall be eligible for service on a grand jury.

(2) The chief judge of any circuit court may dispense with the convening of the grand jury at any term of court by filing a written order with the clerk of court directing that a grand jury not be summoned.

Section 2. This act shall take effect July 1, 1984.

Approved by the Governor June 18, 1984.

Filed in Office Secretary of State June 19, 1984.

CHAPTER 84-238

House Bill No. 799

An act relating to kidnapping and false imprisonment; amending s. 827.03, F.S., clarifying the definition of aggravated child abuse; providing for crimes involving kidnapping and false imprisonment of children under the age of 13; providing penalties; providing for offenses to be charged separately; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 827.03, Florida Statutes, is amended to read:

827.03 Aggravated child abuse.--~~Whoever:~~

(1) Aggravated child abuse is defined as one or more acts committed by a person who:

- (a){1} Commits aggravated battery on a child;
- (b){2} Willfully tortures a child;
- (c){3} Maliciously punishes a child; or
- (d){4} Willfully and unlawfully cages a child.

A person who commits aggravated child abuse shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever commits kidnapping as defined in chapter 787, of a child under the age of 13 and who, in the course of committing the offense, commits one or more of the following, shall be guilty of a

life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

- (a) Aggravated child abuse, as defined in subsection (1);
- (b) Sexual battery, as defined in chapter 794, against the child;
- (c) A lewd, lascivious, or indecent assault or act upon or in the presence of the child, in violation of s. 800.04;
- (d) A violation of s. 796.03 or s. 796.04 relating to prostitution, upon the child; or
- (e) Exploits the child or allows the child to be exploited in violation of s. 450.151.

(3) Whoever commits false imprisonment, as defined in chapter 787, of a child under the age of 13 and who, in the course of committing the offense, commits any offense enumerated in paragraphs (a)-(e) of subsection (2) shall be guilty of a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

Pursuant to section 775.021(4), nothing contained herein shall be construed to prohibit the imposition of separate judgments and sentences for the life felony or first degree offense described in subsections (2) or (3) and for each separate offense enumerated in paragraphs (a)-(e) of subsection (2).

Section 2. This act shall take effect October 1, 1984.

Approved by the Governor June 18, 1984.

Filed in Office Secretary of State June 19, 1984.

CHAPTER 84-239

House Bill No. 1182

An act relating to hearing aids; amending s. 484.047, F.S., providing for the biennial renewal of licenses for the dispensing of hearing aids; increasing the fee therefor; authorizing the Board of Hearing Aid Specialists to promulgate certain rules with respect to mandatory continuing education for license renewal; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 484.047, Florida Statutes, is amended and subsection (5) is added to said section to read:

484.047 Renewal of license.--

(1) The department by rule shall provide a method for the biennial ~~annual~~ renewal of a license at a fee not to exceed \$300 ~~\$200~~ as set by the board.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

NOTE: This analysis reflects the nature of the bill as it left the Committee on Judiciary-Criminal. Any further changes to the bill are not included in this analysis. See the "Comments" section for the final procedural action taken by the Legislature.

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Dugger</u> <i>D.D.</i>	<u>Liepshutz</u>	1. <u>JCR</u>	<u>FAV/CS</u>
2. _____	_____	2. <u>AP</u>	_____
3. _____	_____	3. _____	_____

SUBJECT:

Kidnapping, false imprisonment,
and custody offenses

BILL NO. AND SPONSOR:

CS/SB 812 by
Senator Carlucci

I. SUMMARY:

A. Present Situation:

Section 827.03, F.S., defines the crime of aggravated child abuse, a second degree felony, as the following acts upon a child: aggravated battery, willful torture, malicious punishment, or willful and unlawful caging.

The crime of kidnapping, a first degree felony occurs when a person confines, abducts, or imprisons another against his will and without lawful authority if such perpetrator intends to hold the victim for ransom, commit any felony, inflict bodily harm, or interfere with any governmental function.

The crime of false imprisonment, a third degree felony, contains the same elements as kidnapping except the intended purpose of such confinement must not be any of the enumerated purposes necessary for kidnapping.

Confinement of a child under 13 is against his will for purposes of both offenses if the parent or legal guardian did not consent to the confinement.

B. Effect of Proposed Changes:

CS/SB 812 would create a life felony offense when a person kidnapped a child under 13 and also committed one of the following enumerated crimes during the kidnapping: aggravated child abuse, sexual battery against the child, a lewd or lascivious act upon the child, prostitution upon the child, or exploitation of the child.

The bill would also create a new offense when those same enumerated crimes were committed against a child under 13 while the child was falsely imprisoned, except the penalty would be a first degree felony.

FINAL UPDATE: . June 13, 1984

REVISED: May 16, 1984

BILL NO. CS/SB 812

DATE: May 8, 1984

Page 2

If a person kidnapped or falsely imprisoned a child under 13 without committing any of these other enumerated offenses, then such person would only be charged with the first degree felony offense of kidnapping or the third degree felony offense of false imprisonment.

The bill would provide intent language specifying that nothing in the bill should be construed to prohibit the imposition of separate judgments and sentences for the new offenses and for each of the separate enumerated offenses.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The Department of Corrections estimates that the fiscal impact of this bill will be minimal, if any.

III. COMMENTS:

Final Update: On June 1, 1984, HB 799 was substituted for CS/SB 812. HB 799 became law on June 18, 1984. Chapter 84-238, Laws of Florida.

IV. AMENDMENTS:

None.

COMMITTEE INFORMATION RECORD

House of Representatives

Committee on Criminal Justice

Bill No. 360

Date of meeting April 11, 1984

Time 3:30 p.m.

Place 314 HOB

FINAL ACTION: FAVORABLE
 X FAVORABLE WITH 1 AMENDMENTS
 FAVORABLE WITH SUBSTITUTE
 UNFAVORABLE

VOTE:

YEA	MEMBER	NAY
X	Arnold	
X	Brantley	
X	Burke	
X	Casas	
	Clements	
X	Combee	
	Grant	
X	McEwan	
	Meffert	
	Ready	
	Reynolds	
X	Robinson	
X	Shelley	
	Spaet	
X	Thomas	

YEA	MEMBER	NAY
	Titone	
X	Upchurch	
X	Wetherell	
X	Martinez, Chm.	

Total Yeas 12

Total Nays 0

Chairman

COMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name Representing Address

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here)

File 2 copies with Clerk

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Dugger</u> <i>D.W.</i>	<u>Liepshutz</u> <i>MLL</i>	1. <u>JCR</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Kidnapping, false imprisonment,
and custody offenses

BILL NO. AND SPONSOR:

HB 799 by
Rep. Moffitt

I. SUMMARY:

A. Present Situation:

Section 827.03, F.S., defines the crime of aggravated child abuse, a second degree felony, as the following acts upon a child: aggravated battery, willful torture, malicious punishment, or willful and unlawful caging.

The crime of kidnapping, a first degree felony occurs when a person confines, abducts, or imprisons another against his will and without lawful authority if such perpetrator intends to hold the victim for ransom, commit any felony, inflict bodily harm, or interfere with any governmental function.

The crime of false imprisonment, a third degree felony, contains the same elements as kidnapping except the intended purpose of such confinement must not be any of the enumerated purposes necessary for kidnapping.

Confinement of a child under 13 is against his will for purposes of both offenses if the parent or legal guardian did not consent to the confinement.

B. Effect of Proposed Changes:

The bill would create a life felony offense when a person kidnapped a child under 13 and also committed one of the following enumerated crimes during the kidnapping: aggravated child abuse, sexual battery against the child, a lewd or lascivious act upon the child, prostitution upon the child, or exploitation of the child.

The bill would also create a new offense when those same enumerated crimes were committed against a child under 13 while the child was falsely imprisoned, except the penalty would be a first degree felony.

If a person kidnapped or falsely imprisoned a child under 13 without committing any of these other enumerated offenses, then such person would only be charged with the first degree felony offense of kidnapping or the third degree felony offense of false imprisonment.

The bill would provide intent language specifying that nothing in the bill should be construed to prohibit the imposition of separate judgments and sentences for the new offenses and for each of the separate enumerated offenses.

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II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The Department of Corrections estimates that the fiscal impact of this bill will be minimal, if any.

III. COMMENTS:

This bill is almost identical to the proposed CS/SB 812 by Senator Carlucci.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Dugger</u> <i>P.D.</i>	<u>Liepshutz</u> <i>MM</i>	1. <u>JCR</u>	<u>Fav.</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Kidnapping, false imprisonment,
and custody offenses

BILL NO. AND SPONSOR:

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Confinement of a child under 13 is against his will for purposes of both offenses if the parent or legal guardian did not consent to the confinement.

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The bill would create a life felony offense when a person kidnapped a child under 13 and also committed one of the following enumerated crimes during the kidnapping: aggravated child abuse, sexual battery against the child, a lewd or lascivious act upon the child, prostitution upon the child, or exploitation of the child.

The bill would also create a new offense when those same enumerated crimes were committed against a child under 13 while the child was falsely imprisoned, except the penalty would be a first degree felony.

If a person kidnapped or falsely imprisoned a child under 13 without committing any of these other enumerated offenses, then such person would only be charged with the first degree felony offense of kidnapping or the third degree felony offense of false imprisonment.

The bill would provide intent language specifying that nothing in the bill should be construed to prohibit the imposition of separate judgments and sentences for the new offenses and for each of the separate enumerated offenses.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The Department of Corrections estimates that the fiscal impact of this bill will be minimal, if any.

III. COMMENTS:

This bill is almost identical to the proposed CS/SB 812 by Senator Carlucci.

IV. AMENDMENTS:

None.

FINAL UPDATE: June 13, 1984

REVISED: May 16, 1984

BILL NO. HB 799

DATE: May 11, 1984

Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

NOTE: This analysis reflects the nature of the bill as it left the Committee on Judiciary-Criminal. Any further changes to the bill are not included in this analysis. See the "Comments" section for the final procedural action taken by the Legislature.

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Dugger</u> <i>D.W.</i>	<u>Liepshutz</u>	1. <u>JCR</u>	<u>Fav.</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Kidnapping, false imprisonment,
and custody offenses

BILL NO. AND SPONSOR:

HB 799 by
Rep. Moffitt

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The crime of kidnapping, a first degree felony occurs when a person confines, abducts, or imprisons another against his will and without lawful authority if such perpetrator intends to hold the victim for ransom, commit any felony, inflict bodily harm, or interfere with any governmental function.

The crime of false imprisonment, a third degree felony, contains the same elements as kidnapping except the intended purpose of such confinement must not be any of the enumerated purposes necessary for kidnapping.

Confinement of a child under 13 is against his will for purposes of both offenses if the parent or legal guardian did not consent to the confinement.

B. Effect of Proposed Changes:

The bill would create a life felony offense when a person kidnapped a child under 13 and also committed one of the following enumerated crimes during the kidnapping: aggravated child abuse, sexual battery against the child, a lewd or lascivious act upon the child, prostitution upon the child, or exploitation of the child.

The bill would also create a new offense when those same enumerated crimes were committed against a child under 13 while the child was falsely imprisoned, except the penalty would be a first degree felony.

FINAL UPDATE: June 13, 1984

REVISED: May 16, 1984

BILL NO. HB 799

DATE: May 11, 1984

Page 2

If a person kidnapped or falsely imprisoned a child under 13 without committing any of these other enumerated offenses, then such person would only be charged with the first degree felony offense of kidnapping or the third degree felony offense of false imprisonment.

The bill would provide intent language specifying that nothing in the bill should be construed to prohibit the imposition of separate judgments and sentences for the new offenses and for each of the separate enumerated offenses.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The Department of Corrections estimates that the fiscal impact of this bill will be minimal, if any.

III. COMMENTS:

This bill is almost identical to the proposed CS/SB 812 by Senator Carlucci.

Final Update: HB 799 became law on June 18, 1984. Chapter 84-238, Laws of Florida.

IV. AMENDMENTS:

None.

Bill Analysis



FLORIDA HOUSE OF REPRESENTATIVES

H. Lee Moffitt, Speaker Steve Pajcic, Speaker pro tempore
Committee on Criminal Justice

Elvin L. Martinez
Chairman
Harold W. Spaet
Vice Chairman

HB 799 by Rep. Moffitt
relating to kidnapping;
juveniles

DATE: March 27, 1984

REVISED: _____

OTHER COMMITTEES OF REFERENCE:
Appropriations

REVISED: _____

SENATE BILL: _____

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Tallahassee, FL 32399-0250

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I. SUMMARY

A. PRESENT SITUATION:

Section 787.01, F.S., currently defines the offense of "kidnapping." Confinement of a child under the age of 13 years within the definition of kidnapping, without the consent of his parent or legal guardian is considered kidnapping under subsection (1)(b).

Section 787.02, F.S., provides that confinement of a child under 13 years of age without the consent of his parent or legal guardian is "false imprisonment."

Section 787.03, F.S., states that whoever unlawfully takes or entices any child 17 years of age or under from the custody of his parent, guardian or other lawful custodian, commits the offense of "interference with custody" and is guilty of a misdemeanor of the first degree. Proof that the child was 17 years of age or under creates a presumption that the defendant knew the child's age.

B. EFFECT OF PROPOSED CHANGES:

Section 787.01(1) is amended to raise the maximum age from 13 to 18 for which the confinement of a child without parental consent constitutes kidnapping.

A new subsection (2) is created to establish the crime of aggravated child kidnapping. Whoever kidnaps a child and who:
(1) Commits aggravated child abuse upon the child as defined in

s. 827.03; (2) Commits, or allows to be committed, sexual battery against a child; (3) Commits a lewd, lascivious, or indecent assault upon or in the presence of the child in violation of s. 800.04; (4) Commits a violation of s. 796.03 or 796.04, relating to prostitution, upon the child; or, (5) Exploits or allows the child to be exploited in violation of s. 450.151, is guilty of aggravated child kidnapping.

Subsection (3) is created to provide a first-degree felony penalty and a minimum ten-year term of imprisonment for such offenses. Adjudication of guilt or imposition of such sentence could not be suspended, defined or withheld and the defendant would not be eligible for parole or gain-time prior to serving the minimum sentence.

Section 787.02 is amended to raise the maximum age from 13 to 18 for which confinement of a child without the consent of the parent or legal guardian constitutes false imprisonment.

Amendments to section 787.03 clarify the intended age groups to which this section applies. The phrase "17 years of age or under" is changed to "under the age of 18."

II. FISCAL IMPACT

During fiscal year 82-83, less than one percent of total prison admissions were for offenses relating to kidnapping, false imprisonment, and interference with custody. Less than one-half of one percent of total admissions to probation and parole services were for such offenses. In light of these figures, the Department of Corrections estimates the fiscal impact of this legislation to be minimum, if any.

III. COMMENTS

In the latter part of 1980, the Fourth District Court of Appeal of Florida held, in Wright v. State, 390 So. 2d 118, that, "...the term "eleven years of age or younger" encompasses the time between a person's birth and their eleventh birthday." The question on appeal was whether a person eleven years, ten months and twenty-one days of age falls within the statutory classification of "eleven years of age or younger" pursuant to s. 794.011(2), Florida Statutes. The court answered this question in the negative.

In light of this decision, this bill clarifies the intended age groups specified by law.

To the extent that this bill provides a minimum mandatory penalty for aggravated child kidnapping, the mandated penalty takes precedence over criminal sentencing under guidelines adopted and implemented by the Legislature last year. The net effect of this bill does not modify currently existing maximum penalties under chapter 787.

IV. AMENDMENTS

STAFF SUMMARY/ANALYSIS - HB.799
March 27, 1984

Page 3

Prepared by: Marie A. Matt
Marie A. Mattox

Staff Director: J. Thomas Wright
J. Thomas Wright

Copy to Sponsor: March 27, 1984

Bill Analysis



FLORIDA HOUSE OF REPRESENTATIVES

H. Lee Moffitt, Speaker Steve Pajcik, Speaker pro tempore
Committee on Criminal Justice

Elvin L. Martinez
Chairman

Harold W. Spaet
Vice Chairman

HB 799 by Rep. Moffitt
relating to kidnapping;
juveniles

DATE: March 27, 1984

REVISED: April 11, 1984

OTHER COMMITTEES OF REFERENCE:
Appropriations

REVISED: _____

SENATE BILL: _____

I. SUMMARY

A. PRESENT SITUATION:

Section 787.01, F.S., currently defines the offense of "kidnapping." Confinement of a child under the age of 13 years within the definition of kidnapping, without the consent of his parent or legal guardian is considered kidnapping under subsection (1)(b).

Section 787.02, F.S., provides that confinement of a child under 13 years of age without the consent of his parent or legal guardian is "false imprisonment."

Section 787.03, F.S., states that whoever unlawfully takes or entices any child 17 years of age or under from the custody of his parent, guardian or other lawful custodian, commits the offense of "interference with custody" and is guilty of a misdemeanor of the first degree. Proof that the child was 17 years of age or under creates a presumption that the defendant knew the child's age.

B. EFFECT OF PROPOSED CHANGES:

Section 787.01(1) is amended to raise the maximum age from 13 to 18 for which the confinement of a child without parental consent constitutes kidnapping.

A new subsection (2) is created to establish the crime of aggravated child kidnapping. Whoever kidnaps a child and who:
(1) Commits aggravated child abuse upon the child as defined in

s. 827.03; (2) Commits, or allows to be committed, sexual battery against a child; (3) Commits a lewd, lascivious, or indecent assault upon or in the presence of the child in violation of s. 800.04; (4) Commits a violation of s. 796.03 or 796.04, relating to prostitution, upon the child; or, (5) Exploits or allows the child to be exploited in violation of s. 450.151, is guilty of aggravated child kidnapping.

Subsection (3) is created to provide a first-degree felony penalty and a minimum ten-year term of imprisonment for such offenses. Adjudication of guilt or imposition of such sentence could not be suspended, defined or withheld and the defendant would not be eligible for parole or gain-time prior to serving the minimum sentence.

Section 787.02 is amended to raise the maximum age from 13 to 18 for which confinement of a child without the consent of the parent or legal guardian constitutes false imprisonment.

Amendments to section 787.03 clarify the intended age groups to which this section applies. The phrase "17 years of age or under" is changed to "under the age of 18."

II. FISCAL IMPACT

During fiscal year 82-83, less than one percent of total prison admissions were for offenses relating to kidnapping, false imprisonment, and interference with custody. Less than one-half of one percent of total admissions to probation and parole services were for such offenses. In light of these figures, the Department of Corrections estimates the fiscal impact of this legislation to be minimum, if any.

III. COMMENTS

In the latter part of 1980, the Fourth District Court of Appeal of Florida held, in Wright v. State, 390 So. 2d 118, that, "...the term "eleven years of age or younger" encompasses the time between a person's birth and their eleventh birthday." The question on appeal was whether a person eleven years, ten months and twenty-one days of age falls within the statutory classification of "eleven years of age or younger" pursuant to s. 794.011(2), Florida Statutes. The court answered this question in the negative.

In light of this decision, this bill clarifies the intended age groups specified by law.

To the extent that this bill provides a minimum mandatory penalty for aggravated child kidnapping, the mandated penalty takes precedence over criminal sentencing under guidelines adopted and implemented by the Legislature last year. The net effect of this bill does not modify currently existing maximum penalties under chapter 787.

IV. AMENDMENTS

Amendments to this bill would amend chapter 827 rather than chapter 787. The amendments elevate the penalty for kidnapping a child who is under 13 years of age, under certain


conditions, from a first degree felony to a life felony and s.
827.03.

False imprisonment of a child under the age of 13,
pursuant to s. 787.02, is currently punishable as a felony of the
third degree. Section 827.03 is amended to state that false
imprisonment of a child under 13 years of age, under certain
conditions, is a first degree felony.

Prepared by:


Marie A. Mattox

Staff Director:


J. Thomas Wright

Copy to Sponsor: March 27, 1984

SUBCOMMITTEE REPORT

File with Parent Committee

To: Chairman, Committee on Criminal Justice

The Subcommittee on Criminal Code

met at 3:30 o'clock on April 4, 19 84,

in Room 314 HOB, and considered HB 799.

On motion to report the bill FAVORABLE

FAVORABLE WITH 1 AMENDMENTS
(number)

the vote was:

YEA	MEMBER	NAY	YEA	MEMBER	NAY	
X	Grant		X	Wetherell		
	Meffert		X	Upchurch, Chm.		
X	McEwan					
X	Ready					
X	Thomas					
X	Titone					
TOTAL			7	TOTAL		0

[Handwritten Signature]
 (Subcommittee Chairman)

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

NAME	REPRESENTING	ADDRESS

(If additional persons, enter on reverse side and check here)

Received by Parent Committee:

Date _____

Received by _____

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Duqger</u> <i>D.P.</i>	<u>Liepshutz</u> <i>MLC</i>	1. <u>JCR</u>	_____
2. _____	_____	2. <u>AP</u>	_____
3. _____	_____	3. _____	_____

SUBJECT:

Kidnapping, false imprisonment,
and custody offenses

BILL NO. AND SPONSOR:

Proposed CS/SB 812 by
Senator Carlucci

I. SUMMARY:

A. Present Situation:

Section 827.03, F.S., defines the crime of aggravated child abuse, a second degree felony, as the following acts upon a child: aggravated battery, willful torture, malicious punishment, or willful and unlawful caging.

The crime of kidnapping, a first degree felony occurs when a person confines, abducts, or imprisons another against his will and without lawful authority if such perpetrator intends to hold the victim for ransom, commit any felony, inflict bodily harm, or interfere with any governmental function.

The crime of false imprisonment, a third degree felony, contains the same elements as kidnapping except the intended purpose of such confinement must not be any of the enumerated purposes necessary for kidnapping.

Confinement of a child under 13 is against his will for purposes of both offenses if the parent or legal guardian did not consent to the confinement.

B. Effect of Proposed Changes:

The proposed CS/SB 812 would create a life felony offense when a person kidnapped a child under 13 and also committed one of the following enumerated crimes during the kidnapping: aggravated child abuse, sexual battery against the child, a lewd or lascivious act upon the child, prostitution upon the child, or exploitation of the child.

The proposed CS would also create a new offense when those same enumerated crimes were committed against a child under 13 while the child was falsely imprisoned, except the penalty would be a first degree felony.

If a person kidnapped or falsely imprisoned a child under 13 without committing any of these other enumerated offenses, then such person would only be charged with the first degree felony offense of kidnapping or the third degree felony offense of false imprisonment.

The bill would provide intent language specifying that nothing in the bill should be construed to prohibit the imposition of separate judgments and sentences for the new offenses and for each of the separate enumerated offenses.

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REVISED: _____

BILL NO. SB 812

DATE: May 4, 1984

Page 2

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The Department of Corrections estimates that the fiscal impact of this bill will be minimal, if any.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Duqer</u> <i>V.D.</i>	<u>Liepshutz</u> <i>ML</i>	1. <u>JCR</u>	<u>T.P.</u>
2. _____	_____	2. <u>AP</u>	_____
3. _____	_____	3. _____	_____

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Kidnapping, false imprisonment,
and custody offenses

BILL NO. AND SPONSOR:

Proposed CS/SB 812 by
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Section 827.03, F.S., defines the crime of aggravated child abuse, a second degree felony, as the following acts upon a child: aggravated battery, willful torture, malicious punishment, or willful and unlawful caging.

The crime of kidnapping, a first degree felony occurs when a person confines, abducts, or imprisons another against his will and without lawful authority if such perpetrator intends to hold the victim for ransom, commit any felony, inflict bodily harm, or interfere with any governmental function.

The crime of false imprisonment, a third degree felony, contains the same elements as kidnapping except the intended purpose of such confinement must not be any of the enumerated purposes necessary for kidnapping.

Confinement of a child under 13 is against his will for purposes of both offenses if the parent or legal guardian did not consent to the confinement.

B. Effect of Proposed Changes:

The proposed CS/SB 812 would create a life felony offense when a person kidnapped a child under 13 and also committed one of the following enumerated crimes during the kidnapping: aggravated child abuse, sexual battery against the child, a lewd or lascivious act upon the child, prostitution upon the child, or exploitation of the child.

The proposed CS would also create a new offense when those same enumerated crimes were committed against a child under 13 while the child was falsely imprisoned, except the penalty would be a first degree felony.

If a person kidnapped or falsely imprisoned a child under 13 without committing any of these other enumerated offenses, then such person would only be charged with the first degree felony offense of kidnapping or the third degree felony offense of false imprisonment.

The bill would provide intent language specifying that nothing in the bill should be construed to prohibit the imposition of separate judgments and sentences for the new offenses and for each of the separate enumerated offenses.

REVISED: May 8, 1984

BILL NO. SB 812

DATE: May 4, 1984

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II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The Department of Corrections estimates that the fiscal impact of this bill will be minimal, if any.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Dugger</u> <i>D.W.</i>	<u>Liepshutz</u> <i>ML</i>	1. <u>JCR</u>	<u>FAV/CS</u>
2. _____	_____	2. <u>AP</u>	_____
3. _____	_____	3. _____	_____

SUBJECT:

Kidnapping, false imprisonment,
and custody offenses

BILL NO. AND SPONSOR:

CS/SB 812 by
Senator Carlucci

I. SUMMARY:

A. Present Situation:

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A. Public:

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B. Government:

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III. COMMENTS:

None.

IV. AMENDMENTS:

None.

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