

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Children and Families Committee

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BILL: SB 488

INTRODUCER: Senator Fasano

SUBJECT: Trespass on the Property of a Certified Domestic Violence Center

DATE: March 20, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Duggar</u>	<u>Cannon</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Sanford</u>	<u>Whiddon</u>	<u>CF</u>	<b>Favorable</b>
3.	_____	_____	<u>JA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

Senate Bill 488 amends s. 810.09, F.S., to reclassify the criminal offense of trespassing on the property of a certified domestic violence center from a first degree misdemeanor to a third degree felony. The effect of this change will be to increase the maximum possible penalty from one year in jail to five years in prison. The increased penalty for this offense will be similar to the penalty already existing for trespassing upon other properly posted and identified property such as a construction site, a commercial horticulture property, or a designated agricultural site.

This bill substantially amends section 810.09 of the Florida Statutes.

## II. Present Situation:

Generally, it is a first degree misdemeanor under s. 810.09, F.S., to commit trespass on property other than a structure or conveyance (punishable by imprisonment not exceeding a year and/or a fine up to \$1,000). It becomes a third degree felony under the following circumstances:

- if the offender is armed during the trespass;
- if the property trespassed upon is a legally posted and identified construction site;
- if the property trespassed upon is legally posted and identified as commercial horticulture property;
- if the property trespassed upon is legally posted and identified as a designated agricultural site for testing or research purposes; or
- if a person knowingly propels any potentially lethal projectile over or across private land without authorization while taking, killing, or endangering specified animals (punishable by imprisonment up to five years and/or a fine not exceeding \$5,000). s. 810.09(2)(a)-(g), F.S.

Under s. 39.902(2), F.S., a domestic violence center is defined as an agency that provides services to victims of domestic violence as its primary mission. Section 39.905, F.S., outlines the requirements to become certified as a domestic violence center by the Department of Children and Family Services, including, in part, the following:

- receiving an annual written endorsement of local law enforcement agencies;
- demonstrating local need and ability to sustain operations through 18 months;
- complying with administrative rules; and
- providing a facility to receive and house domestic violence victims.

### **III. Effect of Proposed Changes:**

Senate Bill 488 amends s. 810.09, F.S., to reclassify the criminal offense of trespassing on the property of a certified domestic violence center from a first degree misdemeanor to a third degree felony. The effect of this change will be to increase the maximum possible penalty from one year in jail to five years in prison. The increased penalty for this offense will be similar to the penalty already existing for trespassing upon other properly posted and identified property such as a construction site, a commercial horticulture property, or a designated agricultural site.

For the felony penalty to apply, a domestic violence center would have to be certified under s. 39.905, F.S., and be legally posted and identified in substantially the following manner: THIS AREA IS A DESIGNATED RESTRICTED SITE AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

C. Government Sector Impact:

According to the Criminal Justice Impact Conference, the bill will have an insignificant prison bed impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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