

26 ~~(1)~~ A person is not justified in the use or threatened use
 27 of force to resist a lawful or an unlawful ~~an~~ arrest or
 28 detention by a law enforcement officer, or to resist a law
 29 enforcement officer who was acting in the performance of his or
 30 her official duties as described in s. 943.10(1), if ~~who is~~
 31 ~~engaged in the execution of a legal duty, if the law enforcement~~
 32 ~~officer was acting in good faith and he or she is known, or~~
 33 reasonably appears, to be a law enforcement officer.

34 ~~(2)~~ A law enforcement officer, or any person whom the
 35 officer has summoned or directed to assist him or her, is not
 36 justified in the use of force if the arrest or execution of a
 37 legal duty is unlawful and known by him or her to be unlawful.

38 Section 3. Section 782.065, Florida Statutes, is amended
 39 to read:

40 782.065 Murder; law enforcement officer, correctional
 41 officer, correctional probation officer.—Notwithstanding ss.
 42 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
 43 shall be sentenced to life imprisonment without eligibility for
 44 release upon findings by the trier of fact that, beyond a
 45 reasonable doubt:

46 (1) The defendant committed murder in the first degree in
 47 violation of s. 782.04(1) and a death sentence was not imposed;
 48 murder in the second or third degree in violation of s.
 49 782.04(2), (3), or (4); attempted murder in the first or second
 50 degree in violation of s. 782.04(1)(a)1. or (2); ~~or~~ attempted

51 felony murder in violation of s. 782.051; or manslaughter in
 52 violation of s. 782.07(1); and

53 (2) The victim of any offense described in subsection (1)
 54 was a law enforcement officer, part-time law enforcement
 55 officer, auxiliary law enforcement officer, correctional
 56 officer, part-time correctional officer, auxiliary correctional
 57 officer, correctional probation officer, part-time correctional
 58 probation officer, or auxiliary correctional probation officer,
 59 as those terms are defined in s. 943.10, who was acting in the
 60 performance of his or her official duties as described in s.
 61 943.10 engaged in the lawful performance of a legal duty.

62 Section 4. Paragraph (e) of subsection (1) and subsection
 63 (2) of section 784.07, Florida Statutes, are amended to read:

64 784.07 Assault or battery of law enforcement officers and
 65 other specified personnel; reclassification of offenses; minimum
 66 sentences.—

67 (1) As used in this section, the term:

68 (e) "Law enforcement officer" includes a law enforcement
 69 officer, a correctional officer, a correctional probation
 70 officer, a part-time law enforcement officer, a part-time
 71 correctional officer, an auxiliary law enforcement officer, and
 72 an auxiliary correctional officer, as those terms are
 73 respectively defined in s. 943.10, and any county probation
 74 officer; an employee or agent of the Department of Corrections
 75 who supervises or provides services to inmates; an officer of

76 the Florida Commission on Offender Review; a federal law
77 enforcement officer as defined in s. 901.1505; and law
78 enforcement personnel of the Fish and Wildlife Conservation
79 Commission, the Department of Environmental Protection, or the
80 Department of Law Enforcement. The duties and responsibilities
81 of these respective positions are described in s. 943.10.

82 (2) Whenever any person is charged with knowingly
83 committing an assault or battery upon a law enforcement officer,
84 a firefighter, an emergency medical care provider, hospital
85 personnel, a railroad special officer, a traffic accident
86 investigation officer as described in s. 316.640, a nonsworn law
87 enforcement agency employee who is certified as an agency
88 inspector, a blood alcohol analyst, or a breath test operator
89 while such employee is in uniform and engaged in processing,
90 testing, evaluating, analyzing, or transporting a person who is
91 detained or under arrest for DUI, a law enforcement explorer, a
92 traffic infraction enforcement officer as described in s.
93 316.640, a parking enforcement specialist as defined in s.
94 316.640, a person licensed as a security officer as defined in
95 s. 493.6101 and wearing a uniform that bears at least one patch
96 or emblem that is visible at all times that clearly identifies
97 the employing agency and that clearly identifies the person as a
98 licensed security officer, or a security officer employed by the
99 board of trustees of a community college, while the officer,
100 firefighter, emergency medical care provider, hospital

101 personnel, railroad special officer, traffic accident
 102 investigation officer, traffic infraction enforcement officer,
 103 inspector, analyst, operator, law enforcement explorer, parking
 104 enforcement specialist, public transit employee or agent, or
 105 security officer who was acting in the performance of his or her
 106 official duties ~~is engaged in the lawful performance of his or~~
 107 ~~her duties~~, the offense for which the person is charged shall be
 108 reclassified as follows:

109 (a) In the case of assault, from a misdemeanor of the
 110 second degree to a misdemeanor of the first degree.

111 (b) In the case of battery, from a misdemeanor of the
 112 first degree to a felony of the third degree. Notwithstanding
 113 any other provision of law, a person convicted of battery upon a
 114 law enforcement officer committed in furtherance of a riot or an
 115 aggravated riot prohibited under s. 870.01 shall be sentenced to
 116 a minimum term of imprisonment of 6 months.

117 (c) In the case of aggravated assault, from a felony of
 118 the third degree to a felony of the second degree.
 119 Notwithstanding any other provision of law, any person convicted
 120 of aggravated assault upon a law enforcement officer shall be
 121 sentenced to a minimum term of imprisonment of 3 years.

122 (d) In the case of aggravated battery, from a felony of
 123 the second degree to a felony of the first degree.
 124 Notwithstanding any other provision of law, any person convicted
 125 of aggravated battery of a law enforcement officer shall be

HB 1657

2024

126 sentenced to a minimum term of imprisonment of 5 years.

127 Section 5. Subsection (1) of section 843.01, Florida
 128 Statutes, is amended to read:

129 843.01 Resisting, obstructing, or opposing by offering or
 130 doing violence to legally authorized person, police canine, or
 131 police horse.—

132 (1) Whoever knowingly and willfully resists, obstructs, or
 133 opposes any officer as defined in s. 943.10(1), (2), (3), (6),
 134 (7), (8), or (9); member of the Florida Commission on Offender
 135 Review or any administrative aide or supervisor employed by the
 136 commission; parole and probation supervisor; county probation
 137 officer; personnel or representative of the Department of Law
 138 Enforcement; or other person legally authorized to execute
 139 process in the execution of legal process or acting in the
 140 performance of his or her official duties as described in s.
 141 943.10 in the lawful execution of any legal duty, by offering or
 142 doing violence to the person of such officer or legally
 143 authorized person, commits a felony of the third degree,
 144 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

145 Section 6. This act shall take effect October 1, 2024.