

HB 215

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A bill to be entitled
An act relating to video voyeurism; amending s.
810.145, F.S.; revising the definition of the term
"place and time when a person has a reasonable
expectation of privacy" to include the interior of a
residential dwelling; increasing the classification of
specified video voyeurism offenses; amending s.
921.0022, F.S.; ranking a violation of s.
810.145(8)(b), F.S., above its default value for
purposes of the offense severity ranking chart of the
Criminal Punishment Code; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) and subsections
(6), (7), and (8) of section 810.145, Florida Statutes, are
amended to read:

810.145 Video voyeurism.—

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

(c) "Place and time when a person has a reasonable
expectation of privacy" means a place and time when a reasonable
person would believe that he or she could fully disrobe in
privacy, without being concerned that the person's undressing
was being viewed, recorded, or broadcasted by another,
including, but not limited to, the interior of a residential
dwelling, bathroom, changing room, fitting room, dressing room,
or tanning booth.

(6) Except as provided in subsections (7) and (8), a

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29 person who violates this section commits a felony ~~misdemeanor~~ of
30 the third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~
31 s. 775.083, or s. 775.084.

32 (7) A person who violates this section and who has
33 previously been convicted of or adjudicated delinquent for any
34 violation of this section commits a felony of the second ~~third~~
35 degree, punishable as provided in s. 775.082, s. 775.083, or s.
36 775.084.

37 (8)(a) A person who is:

38 1. Eighteen years of age or older who is responsible for
39 the welfare of a child younger than 16 years of age, regardless
40 of whether the person knows or has reason to know the age of the
41 child, and who commits an offense under this section against
42 that child;

43 2. Eighteen years of age or older who is employed at a
44 private school as defined in s. 1002.01; a school as defined in
45 s. 1003.01; or a voluntary prekindergarten education program as
46 described in s. 1002.53(3)(a), (b), or (c) and who commits an
47 offense under this section against a student of the private
48 school, school, or voluntary prekindergarten education program;
49 or

50 3. Twenty-four years of age or older who commits an
51 offense under this section against a child younger than 16 years
52 of age, regardless of whether the person knows or has reason to
53 know the age of the child

54
55 commits a felony of the second ~~third~~ degree, punishable as
56 provided in s. 775.082, s. 775.083, or s. 775.084.

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(b) A person who violates this subsection and who has previously been convicted of or adjudicated delinquent for any violation of this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.

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73	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
74	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
75	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
76	784.041	3rd	Felony battery; domestic battery by strangulation.
77	784.048 (3)	3rd	Aggravated stalking; credible threat.
78	784.048 (5)	3rd	Aggravated stalking of person under 16.
79	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
80	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
81	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.

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82	784.081(2)	2nd	Aggravated assault on specified official or employee.
83	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
84	784.083(2)	2nd	Aggravated assault on code inspector.
85	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
86	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
87	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
88	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

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89	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
90	794.011(8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
91	794.05(1)	2nd	Unlawful sexual activity with specified minor.
92	800.04(5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
93	800.04(6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
94	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
95	810.02(3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.

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96	<u>810.145 (8) (b)</u>	<u>2nd</u>	<u>Video voyeurism; certain minor victims; 2nd or subsequent offense.</u>
97	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
98	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
99	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
100	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
101	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
102	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
	817.4821 (5)	2nd	Possess cloning paraphernalia

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with intent to create cloned
cellular telephones.

103

825.102(1) 3rd Abuse of an elderly person or
disabled adult.

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825.102(3)(c) 3rd Neglect of an elderly person or
disabled adult.

105

825.1025(3) 3rd Lewd or lascivious molestation
of an elderly person or
disabled adult.

106

825.103(2)(c) 3rd Exploiting an elderly person or
disabled adult and property is
valued at less than \$20,000.

107

827.03(1) 3rd Abuse of a child.

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827.03(3)(c) 3rd Neglect of a child.

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827.071(2) & (3) 2nd Use or induce a child in a
sexual performance, or promote
or direct such performance.

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836.05 2nd Threats; extortion.

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112	836.10	2nd	Written threats to kill or do bodily injury.
113	843.12	3rd	Aids or assists person to escape.
114	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
115	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
116	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
117	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community

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supervision, resulting in great
bodily harm.

118

944.40 2nd Escapes.

119

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

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944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

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951.22(1) 3rd Intoxicating drug, firearm, or
weapon introduced into county
facility.

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123 Section 3. This act shall take effect July 1, 2012.