

Criminal Justice Subcommittee

Tuesday March 8th, 2011 1:00 PM 404 HOB

Action Packet

Criminal Justice Subcommittee

3/8/2011 1:00:00PM

Location: 404 HOB

Summary:

Criminal Justice Subcommittee

Tuesday March 08, 2011 01:00 pm

HB 3 Favorable With Committee Substitute

Yeas: 13 Nays: 0

HB 155 Favorable With Committee Substitute

Yeas: 9 Nays: 6

Leagis ®

Page 1 of 6 Print Date: 3/8/2011 4:46 pm

Criminal Justice Subcommittee

3/8/2011 1:00:00PM

Location: 404 HOB

Attendance:

	Present	Absent	Excused
Dennis Baxley (Chair)	X	·	
Dwight Bullard	×		
Daphne Campbell	×		
Richard Glorioso	×		
James Grant	x		
Gayle Harrell	×		
John Julien	×		
Charles McBurney	X		
W. Keith Perry	. X		
Ray Pilon	×		
Ari Porth	X		
Perry Thurston, Jr.	×		
John Tobia	×		
Carlos Trujillo	X	·	
Charles Van Zant	×		
Totals:	15	0	o

Criminal Justice Subcommittee

3/8/2011 1:00:00PM

Location: 404 HOB

HB 3: Assault or Battery of Law Enforcement Officers

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard	X				
Daphne Campbell	X				
Richard Glorioso	X				
James Grant			Х		
Gayle Harrell	X				
John Julien	X				
Charles McBurney	· X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Perry Thurston, Jr.	· X				
John Tobia	X				
Carlos Trujillo	X				
Charles Van Zant			X		
Dennis Baxley (Chair)	X				
	Total Yeas: 13	Total Nays: 0) .		

Appearances:

Perotti, Michael (General Public) - Waive In Support

Major, Hillsborough County Sheriff's Office

2008 E. 8th Avenue Tampa FL 32605 Phone: (813)242-5100

Kamey, Keith (State Employee) - Information Only

Communications Coordinator, Florida Department of Law Enforcement

2331 Phillips Rd. Tallahassee FL 32308 Phone: (850)410-7021

Troiano, Jim (General Public) - Waive In Support

Chief, Florida Police Chief Association

924 N. Gadsen St. Tallahassee FL 32303 Phone: (850)219-3631

Henning, Lisa (Lobbyist) - Proponent

Legislative Director, Florida Fraternal Order of Police

242 Office Plaza Dr Tallahassee FL 32301 Phone: (850)656-9881

Amendment No. 1

1

2

3

4 5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

COMMITTEE/SUBCOMMITTEE ACTION ADOPTED __ (Y/N) ADOPTED AS AMENDED __ (Y/N) ADOPTED W/O OBJECTION __ (Y/N) FAILED TO ADOPT __ (Y/N) WITHDRAWN __ (Y/N) OTHER

Committee/Subcommittee hearing bill: Criminal Justice Subcommittee

Representative Nehr offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert: Section 1. Section 784.071, Florida Statutes, is created to read:

- 784.071 Assault or battery on a law enforcement officer; missing while in line of duty; blue alert.—
- (1) At the request of an authorized person employed at a law enforcement agency, the Department of Law Enforcement, in cooperation with the Department of Highway Safety and Motor Vehicles and the Department of Transportation, shall activate the emergency alert system and issue a blue alert if all of the following conditions are met:
- (a)1. A law enforcement officer has been killed, has suffered serious bodily injury, or has been assaulted with a deadly weapon; or

Bill No. HB 3 (2011)

Amendment No. 1

20 l

- 2. A law enforcement officer is missing while in the line of duty under circumstances evidencing concern for the law enforcement officer's safety;
 - (b) The suspect has fled the scene of the offense;
- (c) The law enforcement agency investigating the offense determines that the suspect poses an imminent threat to the public or to other law enforcement officers;
- (d) A detailed description of the suspect's vehicle, or other means of escape, or the license plate of the suspect's vehicle is available for broadcasting;
- (e) Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect; and
- (f) If the law enforcement officer is missing, there is sufficient information available relating to the officer's last known location and physical description, and the description of any vehicle involved, including the license plate number or other identifying information, to be broadcast to the public and other law enforcement agencies, which could assist in locating the missing law enforcement officer.
- (2) (a) The blue alert shall be immediately disseminated to the public through the emergency alert system by broadcasting the alert on television, radio, and the dynamic message signs that are located along the state's highways.
- (b) If a traffic emergency arises requiring that information pertaining to the traffic emergency be displayed on a highway message sign in lieu of the blue alert information,

Amendment No. 1

the agency responsible for displaying information on the highway message sign is not in violation of this section.

Section 2. This act shall take effect October 1, 2011.

50

47

48

49

51

52

53

54

55

56

57 58

59 l

60

61

63

62 64 TITLE AMENDMENT

Remove the entire title and insert:

A bill to be entitled

An act relating to assault or battery of a law enforcement officer; creating s. 784.071, F.S.; requiring the Department of Law Enforcement to issue a blue alert if a law enforcement officer has been killed, suffered serious bodily injury, or been assaulted and the suspect has fled the scene, or if a law enforcement officer is missing while in the line of duty; requiring that the blue alert be disseminated on the emergency alert system through television, radio, and highway signs; providing that emergency traffic information may take precedence over blue alert information; providing an effective date.

Criminal Justice Subcommittee

3/8/2011 1:00:00PM

Location: 404 HOB

HB 155: Privacy of Firearms Owners

X | Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee	Absentee
		- ,		Yea	Nay
Dwight Bullard		X			
Daphne Campbell		X			
Richard Glorioso	X		-		
James Grant	X				
Gayle Harrell	X				
John Julien	X				
Charles McBurney	· X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth		X			
Perry Thurston, Jr.		X			
John Tobia		X			
Carlos Trujillo		X			
Charles Van Zant	X				
Dennis Baxley (Chair)	X				
	Total Yeas: 9	Total Nays: 6	i		

Appearances:

Hammer, Marion (Lobbyist) - Proponent NRA and Unified Sportsmen of Florida P.O Box 1387

Tallahassee FL 32302 Phone: (850)222-9518

Jacobs, Buddy (Lobbyist) - Information Only

General Counsel, Florida Prosecuting Attorneys Association

961687 Gateway Blvd. Fernerdina Beach FL 32034 Phone: (904)261-3693

Winn, Stephen (Lobbyist) - Waive In Opposition

Executive Director, Florida Osteopathic Medical Association

2007 Apalachee Pky Tallahassee FL 32301 Phone: (850)878-3056

Funk, Michael (General Public) - Waive In Opposition

Physician Assistant, Florida Academy of Physicians Assistants

5638 Dewberry Way

West Palm Beach FL 33401 Phone: (561)582-9168

Print Date: 3/8/2011 4:46 pm

Criminal Justice Subcommittee

3/8/2011 1:00:00PM

Location: 404 HOB

Nuland, Christopher (Lobbyist) - Opponent Florida Chapter American College of Physicians 1000 Riverside Ave #115 Jacksonville FL 32204 Phone: (904)355-1555

St. Petery, Louis (General Public) - Information Only Executive Vice President, Florida Pediatric Society P.O Box 10269

Tallahassee FL 32302 Phone: (850)224-3939

Wharton, Paul Ph. D (Lobbyist) - Opponent Florida Pediatric Society 2356 Jose Circle North Jacksonville FL 32217 Phone: 904-563-0627

Custin, David (Lobbyist) - Opponent Florida Medical Association 6401 SW 113th Place Miami FL 33173-1083

Phone: (305)412-3772

Bill No. HB 155 (2011)

Amendment No. 1

1

2

3

4 5

6

7

8

9

10

11 12

13

14

15

16

17

18

19

ADOPTED __ (Y/N) ADOPTED AS AMENDED __ (Y/N) ADOPTED W/O OBJECTION __ (Y/N) FAILED TO ADOPT __ (Y/N) WITHDRAWN __ (Y/N) OTHER

Committee/Subcommittee hearing bill: Criminal Justice Subcommittee

Representative Brodeur offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert: Section 1. Section 790.338, Florida Statutes, is created to read:

790.338 Medical privacy concerning firearms; prohibitions; penalties; exceptions.—

- (1) (a) A verbal or written inquiry by a public or private physician, nurse, or other medical staff person regarding the ownership of a firearm by a patient or the family of a patient or the presence of a firearm in a patient's home or other domicile violates the privacy of the patient or the patient's family, respectively, and is prohibited.
- (b) A public or private physician, nurse, or other medical staff person may not condition receipt of medical treatment or medical care on a person's willingness or refusal to disclose

Bill No. HB 155

(2011)

Amendment No. 1

personal and private information unrelated to medical treatment in violation of an individual's privacy as specified in this section.

- (c) A public or private physician, nurse, or other medical staff person may not intentionally, accidentally, or inadvertently enter any disclosed information concerning firearms into any record, whether written or electronic, or disclose such information to any other source.
- (2) (a) A person who violates a provision of this section commits a noncriminal violation as defined in s. 775.08 punishable as provided in s. 775.082 and s. 775.083.
- (b) If the court determines that the violation was knowing and willful or that the person committing the prohibited act, in the exercise of ordinary care, should have known the act was a violation, the court shall access a fine of not less than \$10,000 for the first offense; not less than \$25,000 for the second offense; and not less than \$100,000 for the third and subsequent offenses. The person found to have committed the violation shall be personally liable for the payment of all fines, costs, and fees assessed by the court for the noncriminal violation.
- (3) The state attorney in the circuit where the violation is alleged to have occurred shall investigate complaints of noncriminal violations of this section and, where the state attorney determines probable cause that a violation exists, shall prosecute violators in the circuit court where the violation is alleged to have occurred. Any state attorney who fails to execute his or her duties under this section may be

Amendment No. 1

held accountable under the appropriate Florida rules of professional conduct.

- (4) The state attorney shall notify the Attorney General of any fines assessed under this section and, notwithstanding s.

 28.246(6), and if a fine for a violation of this section remains unpaid after 90 days, the Attorney General shall bring a civil action to enforce the fine.
- (5) Except as required by s. 16, Art. I of the State Constitution or the Sixth Amendment to the United States Constitution, public funds may not be used to defend the unlawful conduct of any person charged with a knowing and willful violation of this section.
- (6) Notwithstanding any other provision of this section, it is not a violation for:
- (a) A psychiatrist as defined in s. 394.455, psychologist as defined in s. 490.003, school psychologist as defined in s. 490.003, clinical social worker as defined in s. 491.003, public or private physician, nurse, or any other medical personnel to make an inquiry prohibited by paragraph (1)(a) when the person making the inquiry in good faith believes that the possession or control of a firearm or ammunition by the patient or another member of the patient's household would pose an imminent danger or threat to the patient or others.
- (b) A public or private physician, nurse, or other medical personnel to make an inquiry prohibited by paragraph (1)(a) if such inquiry is necessary to treat a patient during the course and scope of a medical emergency which specifically includes, but is not limited to, a mental health or psychotic episode

Bill No. HB 155 (2011)

Amendment No. 1

where the patient's conduct or symptoms reasonably indicate that the patient has the capacity of causing harm to himself, herself, or others.

(c) A public or private physician, nurse, or other medical staff person to enter any of the information disclosed pursuant to paragraphs (6)(a) and (b) into any record, whether written or electronic.

However, a patient's response to any inquiry permissible under this subsection shall be private and shall not be disclosed to any third party not participating in the treatment of the patient other than a law enforcement officer conducting an active investigation involving the patient or the events giving rise to a medical emergency. The exceptions provided by this subsection do not apply to inquiries made due to a person's general belief that firearms or ammunition are harmful to health or safety.

(7) Medical records created on or before the effective date of this Act do not violate this Act, nor is it a violation of this Act to transfer such records to another health care provider.

Section 2. This act shall take effect upon becoming a law.

Remove the entire title and insert:

TITLE AMENDMENT

Amendment No. 1

104

105 106

107

108

109

110

112

113

114

115

116

117

118

119

120

An act relating to the privacy of firearms owners; creating s. 790.338, F.S.; prohibiting physicians or other medical personnel from inquiring, either verbally or in writing, about the ownership of a firearm by a patient or the family of a patient or the presence of a firearm in a patient's private home or other domicile; prohibiting conditioning the receipt of medical treatment or care on a person's willingness or refusal to disclose personal and private information unrelated to medical treatment in violation of an individual's privacy contrary to specified provisions; prohibiting entry of certain information concerning firearms into medical records or disclosure of such information by specified individuals; providing noncriminal penalties; providing for prosecution of violations; requiring informing the Attorney General of prosecution of violations; providing for collection of fines by the Attorney General in certain circumstances; providing exemptions; providing an effective date.





Healthy Children > Safety & Prevention > All Around > Where We Stand: Gun Safety

Safety & Prevention

Where We Stand: Gun Safety

숙숙숙숙 rated by our users

The most effective way to prevent firearm-related injury to children is to keep guns out of homes and communities. The American Academy of Pediatrics strongly supports gun-control legislation. We believe that handguns, deadly air guns, and assault weapons should be banned.

Until handguns are banned, we recommend that handguns and handgun ammunition be regulated, that restrictions be placed on handgun ownership, and that the number of privately owned handguns be reduced. Firearms should be removed from the environments where children live and play, but if they are not, they *must* be stored locked and unloaded. Loaded firearms and unloaded firearms and ammunition represent a serious danger to children.

Last Updated 6/10/2010

Source Caring for Your Baby and Young Child: Birth to Age 5 (Copyright © 2009 American Academy

topic landing page

of Pediatrics)





<u>Healthy Children</u> > <u>Safety & Prevention</u> > <u>All Around</u> > Gun Safety: Keeping Children Safe

Safety & Prevention

Gun Safety: Keeping Children Safe

rated by our users

More than 44 million Americans own firearms. Of the 192 million firearms owned in the United States, 65 million are handguns. Research shows guns in homes are a serious risk to families.

- * A gun kept in the home is 43 times more likely to kill someone known to the family than to kill someone in self-defense.
- * A gun kept in the home triples the risk of homicide.
- * The risk of suicide is 5 times more likely if a gun is kept in the home.

Advice to parents

The best way to keep your children safe from injury or death from guns is to NEVER have a gun in the home.

- Do not purchase a gun, especially a handgun.
- * Remove all guns present in the home.
- Talk to your children about the dangers of guns, and tell them to stay away from guns.
- Find out if there are guns in the homes where your children play. If so, talk to the adults in the house about the dangers of guns to their families.

For those who know of the dangers of guns but still keep a gun in the home.

- Always keep the gun unloaded and locked up.
- Lock and store the bullets in a separate place.
- Make sure to hide the keys to the locked boxes.

Last Updated 6/10/2010

Source TIPP—The Injury Prevention Program (Copyright @ 1994 American Academy of Pediatrics, Updated 9/05)

topic landing page





Healthy Children > Safety & Prevention > All Around > Handguns in the Home

Safety & Prevention

Handguns in the Home

숙숙숙숙축 rated by our users

Firearm violence has become a public health crisis in the United States. Guns are widely available in our society and are kept in millions of American homes. According to the Center to Prevent Handgun Violence, almost 8.7 million children and adolescents have access to handguns, and many are either unaware of or ignore the possible consequences of handling these lethal weapons. Their mere presence poses a very real danger to children.

School-age children are curious about and often attracted to guns. They sometimes see guns as symbols of power. So do many adolescents and adults.

The availability of handguns in settings where children live and play has led to a devastating toll in human lives, reflected in some sobering and almost unthinkable statistics: Every two hours, someone's child is killed with a gun, either in a homicide, a suicide, or as a result of an unintentional injury. In addition, an unknown but large number of children are seriously injured—often irreversibly disabled—by guns but survive. Major urban trauma centers are reporting an increase of 300 percent in the number of children treated for gunshot wounds; in fact, one in every twenty-five admissions to pediatric trauma centers in the United States is due to gunshot wounds.

Parents should realize that a gun in the home is forty-three times more likely to be used to kill a friend or family member than a burglar or other criminal. To compound this problem, depressed preteenagers and teenagers commit suicide with guns more frequently than by any other means.

The best preventive measure against firearm injuries and deaths is not to own a gun. However, if you choose to have firearms in your home, adhere to these rules for gun safety:

Never allow your child access to your gun(s). No matter how much in-

struction you may give him or her, a youngster in the middle years is not mature and responsible enough to handle a potentially lethal weapon.

- Never keep a loaded gun in the house or the car.
- Guns and ammunition should be locked away safely in separate locations in the house; make sure children don't have access to the keys.
- « Guns should be equipped with trigger locks.
- When using a gun for hunting or target practice, learn how to operate it before ever loading it. Never point the gun at another person, and keep the safety catch in place until you are ready to fire it. Before setting the gun down, always unload it. Do not use alcohol or drugs while you are shooting.

Even if you don't have guns in your own home, that won't eliminate your child's risks. Half of the homes in the United States contain firearms, and more than a third of all accidental shootings of children take place in the homes of their friends, neighbors, or relatives. A Center to Prevent Handgun Violence survey estimated that about 135,000 students carried handguns to school each day, and another 270,000 brought handguns to school at least once; that figure may be even higher today.

Here is some important information you need to communicate to your youngsters:

- Let them know that risks of gun injuries may exist in places they visit and play.
- * Tell them that if they see or encounter a gun in a friend's home or elsewhere, they must steer clear of it, and tell you about it.
- Talk with the parents of your child's friends, and find out if they have firearms in their home. If they do, insist that they keep them unloaded, locked up, and inaccessible to children.
- Make sure your children understand that violence on TV and in the movies is not real. They need to be told—and probably reminded again and again—that in real life, children are killed and hurt badly by guns. Although the popular media often romanticize gun use, youngsters must learn that these weapons can be extremely dangerous.

Last Updated 6/10/2010

Source Caring for Your School-Age Child: Ages 5 to 12 (Copyright © 2004 American Academy of Pediatrics)

topic landing page





Healthy Children > Safety & Prevention > All Around > Reduce the Risk of Gun Injury

Safety & Prevention

Reduce the Risk of Gun Injury

Children love to explore. As they learn new skills, like crawling, walking, climbing, or running, there are more ways of getting into trouble! Much of this trouble will be small. But, if there is a gun in the house, a child's curiosity can lead to severe injury or death.

- * FACT: Nearly 40% of the homes with children in the United States have a gun.
- * FACT: Children as young as 3 years may be strong enough to pull the trigger on a handgun.
- FACT: Every other day, on average, an American child under age 10 is killed or disabled with a gun.

Parents Need to Ask-Asking Saves Kids

Even if you do not own a gun, ask your neighbors, friends, and family if they do before your child visits their homes. If they don't, that's one less thing you have to worry about.

If they do, keep your child away from homes where there are guns or where guns are not stored safely. Sometimes it can be hard for a parent to ask about guns. One mother asks this way, "My child is very curious. Do you have guns or anything dangerous that he might get into?"

Some people may not agree with you, but it's important that you talk with them about your concerns. Here are some tips to make asking about guns easier:

- Bring up the topic when you are talking about other health and safety issues such as car seats, seat belts, pets, or allergies.
- Share facts about gun safety. You are not judging people, you just want to make sure your child is safe.

Commonly Asked Questions

"With so much violence, isn't it safer for me to have a handgun in my home to protect my family?"

No. In homes with handguns, it is much more likely that the handgun will be used to shoot a family member or friend than in self-defense.

Every year, thousands of Americans are seriously injured or killed when:

- A child finds a gun or is showing a friend the gun kept at home and, without meaning to, pulls the trigger.
- * A depressed teenager or adult becomes suicidal.
- An argument between family members gets out of control.
- * A friend or family member is mistaken for an intruder.

"Can't I just hide my gun and teach my child not to touch it?"

- No. Children need better protection from guns.
- Exploring and playing are the ways children learn about the world.
- Any child's curiosity and urge to discover new things can overcome a parent's warnings.
- Young children simply do not understand how dangerous guns can be.
- Young children are not able to tell the difference between toy guns and real guns.
- Many TV shootings do not look dangerous or deadly.
- The only safe way to hide a gun is to lock it up.

Last Updated 6/10/2010

Source Connected Kids: Safe, Strong, Secure (Copyright @ 2006 American Academy of Pediatrics)

topic landing page





<u>Healthy Children</u> > <u>Health Issues</u> > <u>Conditions</u> > <u>Emotional Problems</u> > Teen Suicide and Guns

Health Issues

Teen Suicide and Guns

♦ ♦ ♦ ♦ ♦ §

Protect Your Teenager

- Many teens attempt suicide on impulse, and there's no second chance with a gun.
- Counting on a teen's ability to resist strong emotional impulses when there is a gun is not a good idea.
- Young people need safe environments that protect them from deadly harm.

Many teens who attempt suicide do so because of a temporary problem, like the end of a romance. When guns are involved, teens can waste their lives and destroy the happiness of their friends and families in an instant. They are thinking of a passing problem, not the outcome!

Teen Suicide—A Big Problem

- Suicide is one of the 3 leading causes of death for 13- to 19-year-olds in the United States.
- An average of 4 American teenagers commit suicide every day.

Does a gun in the home increase the chance of suicide? YES!

- In states where there are more guns, more people commit suicide.
- Studies have shown that the risk of suicide is 4 to 10 times higher in homes with guns than in those without.
- If the gun is a handgun or is stored loaded or unlocked, the risk of suicide is even higher.

Does it matter how a person tries to commit suicide? YES!

- Suicide attempts with a gun are very likely to be deadly.
- Suicide attempts with drugs or methods other than guns have a greater chance of survival.

Protect Young People From Killing Themselves

Teens often see any change as a major life event. Adults and teens need to talk about things,

like budding sexuality and taking responsibility for one's own actions, as they occur.

It is best to not have any guns in homes where children or teenagers live. If there is a gun:

- * Keep it unloaded and locked up or with a trigger lock. Store the bullets in a different place that is also locked.
- Do not let teens have a key to the places where guns and bullets are stored.
- If a teen becomes depressed or has severe mood swings, store the gun outside the home for the time being.

Many communities have laws that prevent teenagers from getting their own weapons. Find out what the laws are in your community and ask that they be enforced.

Most young survivors of a serious suicide attempt do not commit suicide later, and most survivors of suicide attempts are glad they were saved.

Last Updated 8/12/2010

Source Connected Kids: Safe, Strong, Secure (Copyright © 2006 American Academy of Pediatrics)

topic landing page

Criminal Justice Subcommittee

3/8/2011 1:00:00PM

Location: 404 HOB

Other Business Appearance:

Phone: (850)487-9233

Department Of Corrections
Buss, Edwin (State Employee) - Information Only
Secretary, Florida Department of Corrections
2601 Blair Stone Rd.
Tallahassee FL 32399
Phone: (850)488-5021

Office of Program Policy Analysis and Government Accountability, Prison Diversion Program Harkness, Marti (State Employee) - Information Only Staff Director, Criminal Justice
111 West Madison St. Suite 312
Tallahassee FL 32399

Committee meeting was reported out: Tuesday, March 08, 2011 4:45:58PM