

21.19(a) [CAUSING [GREAT BODILY HARM] [PERMANENT DISABILITY] [DEATH] TO] [OR] [USING A DEADLY WEAPON UPON] A [POLICE] [FIRE] [SEARCH AND RESCUE] [CANINE] [HORSE]

§ 843.19(2), Fla. Stat.

To prove the crime of [Causing [Great Bodily Harm] [Permanent Disability] [Death] To] [or] [Using a Deadly Weapon Upon] a [Police] [Fire] [Search and Rescue] [Canine] [Horse], the State must prove the following three elements beyond a reasonable doubt:

Give 1a or 1b or both as applicable.

1. a. (Defendant) intentionally and knowingly caused [great bodily harm] [permanent disability] [death] to a [canine] [horse].

 b. (Defendant) intentionally and knowingly used a deadly weapon upon a [canine] [horse].
2. The [canine] [horse] was a [police] [fire] [search and rescue] [canine] [horse].
3. (Defendant) knew the [canine] [horse] was a [police] [fire] [search and rescue] [canine] [horse].

Definitions. Give as applicable.

§ 843.19(1), Fla. Stat.

“Police canine” means any canine that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

“Fire canine” means any canine that is owned, or the service of which is employed, by a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of flammable materials or the investigation of fires.

A “search and rescue canine” is a canine that is owned, or the service of which is employed by a fire department, a law enforcement agency, a correctional agency, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of missing persons, including, but not limited to, persons who are lost, who are trapped under debris as the result of a natural, manmade, or technological disaster, or who are drowning victims.

“Police horse” means any horse, that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

A “deadly weapon” is defined as: 1) any object that is readily capable of inflicting death or great bodily harm if used in the ordinary manner contemplated by its design and construction, or 2) any other object that was used to inflict death or great bodily harm.

T.W. v. State, 98 So. 3d 238 (Fla. 4th DCA 2012).

“Great bodily harm” means great as distinguished from slight, trivial, minor, or moderate

harm, and as such does not include mere bruises.

Lesser Included Offenses

**[CAUSING [GREAT BODILY HARM] [PERMANENT DISABILITY] [DEATH] TO] [OR]
[USING A DEADLY WEAPON UPON] A [POLICE] [FIRE] [SAR] [CANINE] [HORSE] -
843.19(2)**

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Battery Police/Fire/SAR Canine/Horse	843.19(3)	21.19(b)
	Harass Police/Fire/SAR Canine/Horse	843.19(4)	21.19(c)
	Attempt	777.04(1)	5.1

Comments

It is unclear whether the phrase “without lawful cause or justification” is an element or an affirmative defense. Trial judges must make that determination until the case law develops.

This instruction was adopted in 2020.