

## CS/HB 189 – Gaming Control

This bill creates and amends multiple statutes. First, it amends s. 843.08, F.S., adding “any personnel or representative of the Florida Gaming Control Commission” under false personation, which could impact the Level 2, 3<sup>rd</sup> degree felony, as well as the Level 4, 2<sup>nd</sup> degree felony if this happens during the commission of a felony, and the Level 7, 1<sup>st</sup> degree felony “if the commission of the felony results in the death or personal injury of another human being.” It also amends s. 849.01, F.S., increasing the current 2<sup>nd</sup> degree misdemeanor for keeping a gambling house to a **Level 3, 3<sup>rd</sup> degree felony**. After repealing s. 849.23, F.S., where the penalties for s. 849.15, F.S. are listed, it also amends s. 849.15, F.S., defining certain terms, and increases the penalties for the manufacturing, sale, possession, and other acts regarding illegal slot machines, increasing the 2<sup>nd</sup> degree misdemeanor to a 1<sup>st</sup> degree misdemeanor for this act, and increasing the 1<sup>st</sup> degree misdemeanor to a **Level 3, 3<sup>rd</sup> degree felony** if at the time of the violation, the person is acting as a manager or has one prior conviction for a violation of this section. It becomes a **Level 5, 2<sup>nd</sup> degree felony** if “at the time of the violation the person is acting as a manager...and...the violation involves five or more slot machines or devices” or the person “has two or more prior convictions for a violation of this section.”

This bill also creates s. 849.155, F.S., stating that “any person who knowingly sells, purchases, manufactures, transports, delivers, or brings into this state more than 15 slot machines or devices or any part thereof” would commit a **Level 7, 1<sup>st</sup> degree felony**. This bill also creates s. 849.157, F.S., stating that “a person who knowingly and willfully makes a materially false or misleading statement or who knowingly and willfully disseminates false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other valuable consideration” commits a **Level 3, 3<sup>rd</sup> degree felony**. Furthermore, a person that commits this violation “when such a violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices commits” a **Level 5, 2<sup>nd</sup> degree felony**. This bill also creates s. 849.47, F.S., adding a 1<sup>st</sup> degree misdemeanor for “a person who knowingly and willfully for profit or hire transports, or procures the transportation of, five or more other persons into or within this state when he or she knows or reasonably should know such transportation is for the purpose of facilitating illegal gambling.” It also adds a **Level 3, 3<sup>rd</sup> degree felony** for “a person who transports, or procures the transportation of, a minor or a person 65 years of age or older” when committing this violation. It creates an additional **Level 3, 3<sup>rd</sup> degree felony** for “a person who transports, or procures the transportation of, 12 or more persons” when committing this violation. Furthermore, this bill creates s. 849.48, F.S., adding a **1<sup>st</sup> degree misdemeanor** for promoting or facilitating illegal gambling.

This bill also increases the Level 1, 3<sup>rd</sup> degree felony to a **Level 3, 3<sup>rd</sup> degree felony** for setting up, promoting, assisting, conducting or advertising a drawing for prizes, or disposing of property or money by means of lottery, and creates a **Level 3, 3<sup>rd</sup> degree felony** for second or subsequent offenses related to conducting an unlawful lottery (s. 849.09, F.S.). It also increases the Level 1, 3<sup>rd</sup> degree felony to a **Level 3, 3<sup>rd</sup> degree**

**felony** for engaging in bookmaking, and increases the Level 4, 2<sup>nd</sup> degree felony to a **Level 5, 3<sup>rd</sup> degree felony** for a second or subsequent offense after a prior conviction (s. 849.25, F.S.).

Per DOC, in FY 22-23, there were 3 admissions to prison for false personation related offenses under s. 843.08, F.S. It is not known how the addition of Florida Gaming Control Commission personnel/representatives will impact these numbers.

Per FDLE, in FY 22-23, there were 26 arrest charges related to keeping a gambling house under s. 849.01, F.S., 2 guilty/convicted charges, and 3 adjudications withheld.

Per FDLE, in FY 22-23, there were 377 arrest charges related to gambling devices under s. 849.15, F.S. and s. 849.23, F.S., 3 guilty/convicted charges, and 4 adjudications withheld. Of those arrested, 345 were 2<sup>nd</sup> degree misdemeanors, with the other 32 unknown, and the guilty/convicted and adjudications withheld were also 2<sup>nd</sup> degree misdemeanors. It is not known how the new statutory language will impact these offenders, but most will be bumped to 1<sup>st</sup> degree misdemeanors.

Per DOC, in FY 22-23, there was one offender admitted to prison and there were 3 admitted to supervision for operating a lottery (s. 849.09, F.S.), no prison or supervision admissions for an offender unlawfully manufacturing, selling, or possessing slot machines or devices after two prior convictions (s. 849.15, F.S. and s. 849.23, F.S.), and there were no prison or supervision admissions for bookmaking (s. 849.25, F.S.).

While large numbers of offenders are arrested under the current misdemeanors, the numbers with guilty/convicted charges and adjudications withheld are minimal, so it is not known how increasing these misdemeanors to felonies or the addition of the other felonies will impact prison beds.

In FY 22-23, the incarceration rate for a Level 3, 3<sup>rd</sup> degree felony was 10.6%. It was 36.9% for a Level 5, 2<sup>nd</sup> degree felony and 67.6% for a Level 7, 1<sup>st</sup> degree felony.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: House**