

CS/SB 1036 – Reclassification of Criminal Penalties (Similar HB 1449)

This bill creates multiple statutes. First, it creates s. 775.0848, F.S., reclassifying all felonies for when “a person who has been deported or removed from the United States under federal immigration proceedings for committing a felony, or has departed the United States while such an order of deportation or removal is outstanding” has committed a new felony “after unlawfully reentering the United States, and while remaining unlawfully present” as follows:

- 3rd degree felony increased to 2nd degree felony
- 2nd degree felony increased to 1st degree felony
- 1st degree felony increased to life felony

It also creates s. 908.12, F.S., defining “transnational crime organization” as “an organization that routinely facilitates the international trafficking of drugs, humans, or weapons or the international smuggling of humans.” It then states that “the penalty for any misdemeanor or felony may be reclassified if the commission of such misdemeanor or felony was for the purpose of benefiting, promoting, or furthering the interests of a transnational crime organization.” They are reclassified as follows:

- 2nd degree misdemeanor increased to 1st degree misdemeanor
- 1st degree misdemeanor increased to 3rd degree felony
- 3rd degree felony increased to 2nd degree felony
- 2nd degree felony increased to 1st degree felony
- 1st degree felony increased to life felony

Per DOC, in FY 22-23, 1,131 offenders designated as aliens were admitted to prison. Furthermore, 363 of these aliens were born in Cuba. However, aliens in the DOC database include suspected and confirmed aliens, and are also made up of inmates who were legal and illegal immigrants at the time of their offenses. It is not known how many of these inmates would fit this bill’s criteria. Furthermore, it is not known how many misdemeanor or felony offenders committed their crimes to benefit, promote, or further the interests of a transnational crime organization.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate