

SB 1050 – Drive-by Shootings

This bill creates s. 790.1501, F.S., transferring two felonies from s. 790.15, F.S. into this new statute for “discharging firearm from vehicle” and adding a **Level 5, 2nd degree felony** for “a person who knowingly, or with reckless disregard for human life, causes or attempts to cause serious bodily injury to another by discharging a firearm while in or on a vehicle.” Additionally, this new statute is added to s. 775.30, F.S., related to terrorism. While the statute the two current felonies were moved from currently exists under terrorism, this new felony would be a Level 7, 1st degree felony if it occurred “in furtherance of intimidating or coercing the policy of a government, or in furtherance of affecting the conduct of a government by mass destruction, assassination, or kidnapping” and a life felony if it “results in death or serious bodily injury.”

Per DOC, in FY 22-23, there were 34 new commitments to prison for “any occupant of any vehicle who knowingly and willfully discharges any firearm from the vehicle within 1,000 feet of any person,” a Level 4, 2nd degree felony. It is not known how many of these new commitments fit the criteria of the new Level 5, 2nd degree felony. There were no new commitments for the Level 3, 3rd degree felony for directing someone to discharge a weapon from a vehicle or for those felonies listed under s. 775.30, F.S.

In FY 22-23, the incarceration rate for a Level 4, 2nd degree felony was 27.6%. The incarceration rate for a Level 5, 2nd degree felony was 36.9%.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate