

## **SB 1634 – Career Offenders (Identical HB 1539)**

This bill amends s. 322.141, F.S., s. 775.261, F.S., and s. 944.608, F.S., revising registration criteria, required actions, and required information to be provided at registration. These changes could impact the current felonies under s. 775.261, F.S. and s. 944.608, F.S. Furthermore, two new felonies are added under s. 775.261, F.S. and the language for current felonies is also amended. The language for the new felony states that “a career offender who remains at a permanent or temporary residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported pursuant to paragraph (d) for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under paragraph (d) but fails to make a report as required under this paragraph” would now commit an **unranked, 2<sup>nd</sup> degree felony (Level 4 by default)**. It also increases the 1<sup>st</sup> degree misdemeanor to an **unranked, 3<sup>rd</sup> degree felony (Level 1 by default)** for a person who assists a career offender in noncompliance. For the current Level 4, 2<sup>nd</sup> degree felony under this statute, it now states (new language in bold): A career offender who reports his or her intent to **establish a permanent or temporary residence in another state or jurisdiction other than the State of Florida, but who remains in this state without reporting to the sheriff in the manner required...** For the Level 1, 3<sup>rd</sup> degree felony for failure to register, it states the following (new language in bold): a career offender who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or an identification card; who fails to provide required location information or change-of-name information; who fails to make a **required report in connection with vacating a permanent residence; who fails to respond to any address verification correspondence from the department or from county or local law enforcement agencies within 3 weeks after the date of the correspondence; who knowingly provides false registration information by act or omission;** or who otherwise fails, by act or omission, to comply with the requirements of this section...” It also adds that “each instance of failure to register or report changes to the required information specified herein constitutes a separate offense.”

For s. 944.608, F.S., this bill adds the same assisting in noncompliance language that exists under s. 775.261, F.S., and also makes it an **unranked, 3<sup>rd</sup> degree felony (Level 1 by default)**. This assisting in noncompliance language is connected to the Level 1, 3<sup>rd</sup> degree felony for “the failure of a career offender to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section.”

Per FDLE, there are currently over 9,700 non-incarcerated career offenders in the state of Florida.

Per FDLE, in FY 22-23, there were no arrests for assisting a career offender in non-compliance. However, there were two guilty/convicted charges, but no adjudications withheld.

Per DOC, there were 45 offenders admitted to prison for failure to register by a career offender. While jail data isn't available, there were also 51 supervision admissions, giving this Level 1, 3<sup>rd</sup> degree felony a 46.9% incarceration rate. It is not known how many of those admitted to prison or supervision had multiple instances of failing to register, which could impact sentence lengths for incarcerated offenders and incarceration for supervised offenders. It is also not known how many additional offenders there would be under the new felonies.

In FY 22-23, the incarceration rate for a Level 1, 3<sup>rd</sup> degree felony was 9.5%. The incarceration rate for a Level 4, 2<sup>nd</sup> degree felony was 27.6%.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: Senate**