

SB 1656 – Child Exploitation Offenses

This bill amends multiple statutes, beginning with s. 847.0135, F.S. First, it increases the current Level 6, 3rd degree felony for facilitating sexual conduct of or with a minor or the visual depiction of such conduct to a **Level 7, 2nd degree felony**. Additionally, it increases the current Level 7, 3rd degree felonies for solicitation of a child or parent of a child, via a computer service, to commit an unlawful sex act” to **Level 7, 2nd degree felonies**. It also increases the current Level 5, 2nd degree felony for lewd or lascivious exhibition using a computer when the offender is 18 years or older to a **Level 6, 2nd degree felony** and decreases the current Level 4, 3rd degree felony for lewd or lascivious exhibition using a computer when the offender is less than 18 years old to an **unranked, 3rd degree felony (Level 1 by default)**. It also amends s. 847.0137, F.S., increasing the current Level 5, 3rd degree felonies for transmission of child pornography within or into this state to **Level 6, 2nd degree felonies**. Furthermore, it increases the current Level 5, 3rd degree felonies under s. 847.0138, F.S. for transmission of material harmful to minors to a minor by electronic device or equipment within or into this state to **Level 7, 3rd degree felonies**. Finally, it increases the Level 6, 2nd degree felonies under s. 827.071, F.S. for using or inducing a child in a sexual performance, or promoting or directing such performance to **Level 7, 2nd degree felonies**, and increases the Level 5, 2nd degree felony under s. 827.071, F.S. for possessing with intent to promote any photographic material, motion picture, etc., which includes child pornography to a **Level 7, 2nd degree felony**.

Per DOC, in FY 22-23, there were 169 offenders admitted to prison for the felonies amended under this bill. Additionally, there were 75 offenders admitted to supervision, who could be potential prison admissions with changes to felony degrees and levels. While offenders sentenced to jail are not included, these numbers offer an approximation of the current incarceration rates for each felony impacted by this bill. All of these felonies have incarceration rates that are much higher than expected for their current degrees and levels, and these differences continue when comparing them to incarceration rates for the new felony degrees and levels. For example, s. 847.0135(3)(a), F.S., which brings in the most admissions to prison and supervision, had an incarceration rate of 69.5% in FY 22-23, compared to the felony degree/level it is getting increased to, a Level 7, 2nd degree felony, which has only gotten as high as 57.1% in recent years. Therefore, there is not expected to be a significant impact on the prison population.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate