

SB 732 – Theft from Nonprofit Organizations (Similar HB 737)

This bill creates s. 812.0146, F.S., stating that “when a person is charged with committing theft from an organization that he or she knows or has reason to believe is a nonprofit organization that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code, the offense for which the person is charged shall be reclassified” according to the following monetary thresholds for “the funds, assets, or property involved in the theft from such an organization” listed below:

- \$300 or more, less than \$10,000 – unranked, 3rd degree felony (Level 1 by default)
- \$10,000 or more, less than \$50,000 – unranked, 2nd degree felony (Level 4 by default)
- \$50,000 or more – unranked, 1st degree felony (Level 7 by default)

Under current law for grand theft, the thresholds are as follows:

- \$750 or more, less than \$5,000 – Level 2, 3rd degree felony
- \$5,000 or more, less than \$10,000 – Level 3, 3rd degree felony
- \$10,000 or more, less than \$20,000 – Level 4, 3rd degree felony
- \$20,000 or more, less than \$100,000 – Level 6, 2nd degree felony
- \$100,000 or more – Level 7, 1st degree felony

Given the lower monetary threshold of \$300, it is possible that misdemeanor petit theft offenses are currently occurring that would be felonies under this bill’s new language. Per FDLE, in FY 22-23, there were 19,147 arrests for these offenses, with 9,734 guilty/convicted charges and 3,057 adjudications withheld. It is not known how many of these offenses fit the criteria described above.

Per DOC, in FY 22-23, there were 125 new commitments to prison under the prior grand theft threshold for property stolen valued at \$300 dollars or more, but less than \$5,000 dollars. There were 288 new commitments to prison under the new grand theft threshold for property stolen valued at \$750 dollars or more, but less than \$5,000 dollars. There were 19 new commitments for property stolen valued at \$5,000 or more, but less than \$10,000 and 15 new commitments for property stolen valued at \$10,000 or more, but less than \$20,000. There were 92 new commitments for property stolen valued at \$20,000 or more, but less than \$100,000. There were no new commitments for property stolen valued at \$100,000 or more. It is not known how many of these commitments fit the criteria described above.

The differences in thresholds and felony levels/degrees between current law and the language in this bill create a situation where these new felonies would have potentially higher incarceration rates than current grand theft felonies at certain values, while

having lower incarceration rates at other values. However, given that the monetary threshold for a 3rd degree felony starts at \$300, rather than at \$750 with grand theft, there would likely be an increase in prison admissions, though that number cannot be quantified.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate