

CS/SB 784 – Human Trafficking (Identical CS/CS/HB 545)

This bill amends multiple statutes. First, it amends s. 782.04(1)(a)2, F.S., making it a first degree murder when an unlawful killing is committed by a person engaged in the perpetration of, or attempt to perpetrate, human trafficking.

Per DOC, in FY 14-15, there were 12 (adj.) offenders sentenced under s. 787.06, F.S. (human trafficking), and 9 (adj.) of these offenders were sentenced to prison (mean sentence length=149.3 m, incarceration rate: 75.0% adj.-77.8% unadj.). None of those sentenced to prison would be charged with the additional offense of first degree murder. Furthermore, nobody sent to prison for manslaughter/murder had an additional charge of human trafficking.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

This bill also amends s. 787.06(4)(b), F.S., clarifying that a person can only be convicted of branding a victim of human trafficking if it is for the purpose of committing or facilitating an offense of human trafficking.

Per DOC, in FY 14-15, there were no offenders sentenced under s. 787.06(4)(b), F.S.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

This bill also amends s. 787.06(8), F.S. If a human trafficking offense causes great bodily harm, permanent disability, or permanent disfigurement to another person during the commission of the offense, the degree of that offense will be reclassified as follows:

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

Per DOC, in FY 14-15, there were 12 (adj.) offenders sentenced under s. 787.06, F.S. (human trafficking), and 9 (adj.) of these offenders were sentenced to prison (mean sentence length=149.3 m, incarceration rate: 75.0% adj.-77.8% unadj.). Two offenders were charged with felony battery in addition to human trafficking, and one was charged with domestic battery strangle.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

This bill also amends s. 796.06(2)(b), F.S., increasing the current 1st degree misdemeanor to an **unranked, 3rd degree felony** for a second or subsequent violation of renting space to be used for lewdness, assignation, or prostitution.

Per FDLE, in FY 14-15, of the 8 guilty/convicted counts and 1 adjudication withheld count for violating s. 796.06, F.S., all were 2nd degree misdemeanors and none of these were repeat offenders. In FY 14-15, the incarceration rate for an unranked, 3rd degree felony was 9.9%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

The committee substitute for this bill also amends s. 796.07(2)(a), F.S., reclassifying the 1st degree misdemeanor for a second violation as an **unranked, 3rd degree felony (level 1 by default)** and reclassifying the level 1, 3rd degree felony for a third or subsequent violation as an **unranked, 2nd degree felony (level 4 by default)** if the place, structure, building, or conveyance that is owned, established, maintained, or operated for prostitution is a massage establishment required to be licensed under s. 480.043, F.S.

Per FDLE, in FY 14-15, there were no guilty/convicted counts and 2 adjudication withheld counts for violating s. 796.07(2)(a), F.S. In FY 14-15, the incarceration rate for an unranked, 3rd degree felony was 9.9%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

This bill also amends s. 796.07(2)(e), F.S., increasing the age to 18 years of age or older for someone to be charged with the offense of offering to commit, or to commit, or to engage in, prostitution, lewdness, or assignation. This offense is currently a 2nd degree misdemeanor for a first violation, a 1st degree misdemeanor for a second violation, and an unranked, 3rd degree felony for a third or subsequent violation.

Per FDLE, in FY 14-15, there was 1 guilty/convicted count and 1 adjudication withheld count for violating s. 796.07(2)(e), F.S. as a juvenile. Per DOC, in FY 14-15, there were no offenders sentenced for committing the offense of prostitution for a third or subsequent violation while under 18 years of age.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

This bill also amends ss. 775.21, 943.0435, 944.606, and 944.607, F.S., to add the offense of s. 895.03, F.S., (racketeering) to the qualifying offenses for sexual offender and sexual predator if the court has made written findings that the racketeering activity involved at least one sexual offense included in the definition of sexual predator or sexual offender or the offense involved sexual intent or motive. This would add these offenders to the pool of those that could potentially commit sexual offender/predator registration related offenses.

Per DOC, in FY 14-15, there were 12 (adj.) offenders sentenced under s. 787.06, F.S. (human trafficking), and 9 (adj.) of these offenders were sentenced to prison (mean sentence length=149.3 m, incarceration rate: 75.0% adj.-77.8% unadj.).

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

**CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL:
Positive Insignificant**

Requested by: Senate and House