

HB 257 – Terroristic Threats

Creates s. 775.32, F.S., establishing multiple felonies for the crime of making a terroristic threat. An **unranked, 3rd degree felony** would occur if a person communicates, directly or indirectly, a threat to commit a violent act or any act dangerous to human life, causes the evacuation of building, place of assembly, or a facility of public transportation, and causes serious public inconvenience or terror. It would be an **unranked 2nd, degree felony** if that threat causes the occupants to be diverted from their normal or customary operations, involves a threat against instructional personnel, a law enforcement officer, state attorney/assistant state attorney, firefighter, judge, elected official, or a threat against the immediate family of these people.

There are currently several statutes with similar penalties. For example, s. 836.10, F.S. contains a 2nd degree felony for written threats to kill or do bodily harm. Per DOC, in FY-14-15, 51 (adj.) offenders were sentenced for this offense and 13 (adj.) received a prison sentence (mean sentence length=50.4 m, incarceration rate: 25.5% adj.-25.6% unadj.).

Also, s. 790.162 makes it a 2nd degree felony for threatening to throw, project, place, or discharge any destructive device. Per DOC, in FY 14-15, 14 (adj.) offenders were sentenced for this offense and 1 received a prison sentence (mean sentence length=14.0 m, incarceration rate: 7.14% adj.-9.09% unadj.).

Additionally, s. 790.163, F.S., contains a 2nd degree felony for a false report about planting a bomb, explosive, or weapon of mass destruction, and s. 790.164 contains a 2nd degree felony for a false report against state-owned property. Per DOC, in FY 14-15, 24 (adj.) offenders were sentenced for a false report about planting an explosive and 4 received a prison sentence (mean sentence length=27.0 m, incarceration rate: 16.7% adj.-16.7% unadj.). One offender was sentenced, but did not receive a prison sentence, for a false report against state-owned property.

Lastly, s. 838.021 contains a 3rd degree felony for corruption by threat against a public servant. Per DOC, in FY 14-15, 65 (adj.) offenders were sentenced for this offense and 8 (adj.) received a prison sentence (mean sentence length=26.0 m, incarceration rate: 12.3% adj.-12.0% unadj.).

In FY 14-15, the incarceration rate for an unranked, 3rd degree felony was 9.9% and for an unranked, 2nd degree felony was 26.7%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House