

CS/HB 529 – Soldiers' and Heroes' Memorials Protection Act

Amends s. 806.13, F.S., adding an **unranked, 3rd degree felony** for a person who willfully and maliciously injures, damages, or defaces a soldier's or hero's memorial, defined as "real or personal property belonging to another person which honors or commemorates" a soldier, member of the military, military organization, military unit, first responder, or astronaut.

Per FDLE, for the two misdemeanor offenses under s. 806.13, F.S., in FY 15-16, there were 9,355 arrests, with 3,586 convictions and 1,376 adjudication withhelds. Per DOC, in FY 15-16, there were 3 (adj.) offenders sentenced for willfully damaging a place of worship, under s. 806.13(2), F.S., or equipment related to public telephones, under s. 806.13(3), F.S., with none of these offenders receiving a prison sentence. Both are unranked, 3rd degree felonies. There were 673 (adj.) offenders sentenced for s. 806.13(1)(b)3, F.S., criminal mischief, damage \$1,000 or more to public communication or any other public service, and 47 (adj.) of these offenders were sentenced to prison (mean sentence length=22.7 m, incarceration rate: 7.0% adj.-7.0% unadj.). This is a Level 2, 3rd degree felony. It is unknown how many of these incidents capture criminal mischief described in this bill.

In FY 15-16, the incarceration rate for an unranked, 3rd degree felony was 9.9%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House