

HB 355 – Emergency Scenes

Creates s. 877.28, F.S., prohibiting a person from removing or attempting “to remove tangible personal property from an emergency scene if the person knows or should know that such removal or attempt to remove will obstruct or impede another person in leaving the emergency scene in a life-threatening circumstance.” An emergency scene is defined as “the area in which there is an imminent danger of death or bodily injury due to a temporary occurrence or condition or threat thereof.” A person who commits this violation and causes serious bodily injury to another person, would be committing an **unranked, 3rd degree felony**. If this causes the death of another person, it is an **unranked, 2nd degree felony**.

There are currently two Level 3, 3rd degree felonies under s. 860.10, F.S. Per DOC, in FY 15-16, there were 44 (adj.) offenders sentenced for maliciously injuring, destroying, or interfering with vehicles or equipment used in firefighting (s. 860.10(1), F.S.), and 18 (adj.) of these offenders were sentenced to prison (mean sentence length=16.5 m, incarceration rate: 40.9% adj.-40.5% unadj.). There were 7 (adj.) offenders sentenced for interfering with or assaulting a firefighter in performance of duty (s. 860.10(2), F.S.), and 2 (adj.) of these offenders were sentenced to prison (mean sentence length=27 m, incarceration rate: 28.6% adj.-33.3% unadj.). It is unknown if any of these offenses are similar to those proposed in this bill.

In FY 15-16, the incarceration rate for an unranked, 3rd degree felony was 9.9% and for an unranked, 2nd degree felony was 33.1%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House