

HB 57 – Crimes Evidencing Prejudice

Amends s. 775.085, F.S., adding justices or judges of the state courts system, correctional officers, correctional probation officers, and first responders as potential victims of crimes evidencing prejudice. Employment includes “a full-time, a part-time, an auxiliary, or a volunteer position.”

2nd degree misdemeanor increased to 1st degree misdemeanor
1st degree misdemeanor increased to 3rd degree felony
3rd degree felony increased to 2nd degree felony
2nd degree felony increased to 1st degree felony
1st degree felony increased to life felony

Per FDLE’s statewide UCR, in 2015, there were 88 offenses, with 26 (adj.) arrests for hate crimes. Also per FDLE’s Computerized Criminal History (CCH) files, in FY 15-16, there were 6 arrests and no dispositions that resulted in a finding of guilty/convicted or adjudication withheld for s. 775.085, F.S., with arrests possibly overlapping with UCR. There were no arrests under the newly created s. 775.0863, F.S. for evidencing prejudice during an offense against someone with a mental or physical disability. However, since these statutes reclassify felonies, such acts might not be captured in the initial arrest.

Since July 1, 2012 there has only been one disposition, and adjudication withheld, for a 3rd degree felony under s. 775.085, F.S. Per DOC, no inmates were admitted to the prison system in FY15-16 who committed a misdemeanor that was elevated to a felony by this statute. Furthermore, DOC does not have data available on those felonies that were increased due to this statute. However, there is data on assault/battery against correctional staff and first responders, with 461 admissions to prison in FY 15-16 for these crimes. There was also one admission for corruption by threat against a public servant and one admission for attempted murder of a law enforcement officer.

It is not known how many of these admissions were crimes that evidenced prejudice based on the victim’s employment, or how many 1st degree misdemeanors against those in these employment categories would be elevated to felonies due to crimes evidencing prejudice. However, the bill does note that this does not apply to an offense subject to s. 782.065, F.S. or s. 784.07, F.S., which includes most of the admissions described here. The number of additional admissions cannot be estimated with the available information.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House