

HB 879 – Unlawful Acquisition of Utility Services

This bill amends s. 812.14, F.S. and s. 812.014, F.S., making any aspect of utility theft, as well as “theft of utility services for the purpose of facilitating the manufacture of a controlled substance,” acts of third degree grand theft. This affects these violations in multiple ways. **See chart.**

Monetary Thresholds	Current Law	Effect of Bill ¹
Less than \$99	2nd Degree Misdemeanor	Unranked, 3rd Degree Felony
\$100 to \$299	1st Degree Misdemeanor	Unranked, 3rd Degree Felony
\$300 to \$4,999	Level 2, 3rd Degree Felony	Unranked, 3rd Degree Felony
\$5,000 to \$9,999	Level 3, 3rd Degree Felony	Unranked, 3rd Degree Felony
\$10,000 to \$19,999	Level 4, 3rd Degree Felony	Unranked, 3rd Degree Felony
\$20,000 to \$99,999	Level 6, 2nd Degree Felony	Unranked, 3rd Degree Felony
\$100,000 or more	Level 7, 1st Degree Felony	Unranked, 3rd Degree Felony

¹ Unranked is Level 1. Similar grand theft offenses are Level 4, 3rd degree felonies, but this new grand theft offense is not added to the Offense Severity Ranking Chart.

Per FDLE, in FY 15-16, there were 91 people arrested for 1st and 2nd degree misdemeanors for theft of utility services, with 20 guilty/convicted and 7 having adjudication withheld. There were 14 arrested for the Level 2, 3rd degree felony, 4 arrested for the Level 3, 3rd degree felony, and 6 arrested for the Level 4, 3rd degree felony. There were 15 people that received a guilty/conviction for a 3rd degree felony, with 1 adjudication withheld. FDLE does not have court data on offense severity levels. Finally, 18 people were arrested for the Level 7, 1st degree felony for theft of utility service, with no guilty/convicted counts or adjudications withheld. There were no arrests for the 2nd degree felony. DOC does not have specific data available on incarceration rates for theft of utilities, since these are aggregated with other offenses under the theft statute. Other offenses that are specifically categorized under grand theft have a 23.9% (adj.) incarceration rate with an average sentence of 27.8 months. However, these are generally Level 4, 3rd degree felonies, and this new offense would be an unranked, 3rd degree felony (9.9% incarceration rate).

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House