

CS/CS/HB 713 – Theft Offenses

Amends s. 812.014(2)(c)(1), F.S., increasing the minimum threshold property values for third degree grand theft from \$300 to \$1,000. Further amending third degree grand theft, it removes “a will, codicil, or other testamentary instrument,” and removes any fire extinguisher, any property taken from a designated construction site, and any stop sign. It also adds “any animal of the avian class” to theft of any commercially farmed animal and theft of “a utility service under s. 812.14, F.S.”

It also amends s. 812.014(2)(d), F.S., increasing the minimum threshold property values for third degree grand theft for stealing property from a dwelling or unenclosed curtilage of a dwelling from \$100 to \$1,000 and increasing the maximum threshold from \$300 to \$5,000.

This bill also amends s. 812.014(2)(e), F.S., increasing the minimum threshold property values for petit theft of the first degree (misdemeanor) from \$100 to \$500 and increasing the maximum threshold from \$300 to \$1,000. While these changes would impact s. 812.014(3)(c), F.S., the bill also amends this, adding that a “person who commits petit theft in the first degree, who has previously been convicted two or more times as an adult of any theft” commits a Level 1, 3rd degree felony, “if the third or subsequent petit theft offense occurred within 3 years of the expiration of his or her sentence for the most recent theft conviction.” Currently, this felony applies for any petit theft committed for a third or more time at any age without any point in time where the prior offenses could no longer be considered.

Per DOC, in FY 16-17, there were 10,554 (adj.) offenders sentenced under s. 812.014(2)(c)(1), F.S., with 1,026 (adj.) of these offenders sentenced to prison (mean sentence length=25.8 m, incarceration rate: 9.7% adj-9.7% unadj). The number of offenders that currently fall within the proposed changes to the s. 812.014(2)(c)(1), F.S., thresholds cannot be differentiated from the current thresholds. Per DOC, in FY 16-17, none of the offenders sentenced for theft of a will (1 adj.) or a commercially farmed animal (4 adj.) received a prison sentence, and nobody was sentenced for theft of a stop sign. Taking property from a construction site had 14 (adj.) offenders sentenced, with 5 (adj.) offenders receiving prison (mean sentence length=13.2 m, incarceration rate: 35.7% adj-38.5% unadj). Theft of a fire extinguisher had 7 (adj.) offenders sentenced, with 2 (adj.) offenders receiving prison (mean sentence length=13.2 m, incarceration rate: 28.6% adj-33.3% unadj).

Per FDLE, in FY 16-17, there were 33 people arrested for 1st and 2nd degree misdemeanors for theft of utility services, with 28 guilty/convicted and 14 having adjudication withheld. There were 16 arrested for the Level 2, 3rd degree grand theft felony, 2 arrested for the Level 3, 3rd degree felony, and 1 arrested for the Level 4, 3rd degree felony. There were 17 people that received a guilty/conviction for a 3rd degree felony, with 4 adjudications withheld. FDLE does not have court data on offense severity levels. There was 1 person arrested for the Level 6, 2nd degree felony, with 1 guilty conviction for a 2nd degree felony. Finally, 10 people were arrested for the Level 7, 1st

degree felony for theft of utility service, with no guilty/convicted counts or adjudications withheld. 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 22.4% (adj.) incarceration rate with an average sentence of 28.3 months. However, these are generally Level 4, 3rd degree felonies, and this new offense would be an unranked, 3rd degree felony (9.5% incarceration rate).

Per DOC, in FY 16-17, there were 140 (adj.) offenders sentenced under s. 812.014(2)(d), F.S., with 26 (adj.) of these offenders sentenced to prison (mean sentence length=21.7 m, incarceration rate: 18.6% adj-18.9% unadj). A certain number of offenders currently charged under s. 812.014(2)(c)(1), F.S. will now fall into the new threshold for s. 812.014(2)(d), F.S., where a higher incarceration rate currently exists. However, it is not known how many offenders charged under s. 812.014(2)(c)(1), F.S. stole property from a dwelling or unenclosed curtilage of a dwelling.

Per DOC, in FY 16-17, there were 3,604 (adj.) offenders sentenced under s. 812.014(3)(c), F.S., with 529 (adj.) of these offenders sentenced to prison (mean sentence length=24.9 m, incarceration rate: 14.7% adj-14.7% unadj). The available data cannot determine how many offenders would be impacted by the proposed changes.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

This bill also amends s. 812.015(8), F.S., increasing the minimum threshold property values for retail theft from \$300 to \$1,000, a Level 5, 3rd degree felony, and amends s. 812.015(9)(a), F.S., adding that the Level 6, 2nd degree felony applies when the person has been previously convicted as an adult of a violation of the 3rd degree felony, and commits another violation within 3 years after the expiration of the sentence. Currently, there is no age range or time limit for when the first violation occurred.

Per DOC, in FY 16-17, there were 332 (adj.) offenders sentenced under s. 812.015(8), F.S., with 73 (adj.) of these offenders sentenced to prison (mean sentence length=24.4 m, incarceration rate: 22.0% adj-21.9% unadj). There were 4 (adj.) offenders sentenced under s. 812.015(9)(a), F.S., and none of these offenders received a prison sentence. The number of offenders that currently fall within the proposed changes to the s. 812.015(8), F.S., threshold cannot be differentiated from the current threshold.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL: Negative Significant

Requested by: House