

HB 97 – Monuments and Memorials (Similar SB 288)

This bill amends s. 1.01, F.S., expanding the definition of who can receive benefits as a wartime veteran to include seven additional wars and one battle. It also creates s. 265.155, F.S., defining the term “remembrance” to include a large number of different objects that were made to honor or commemorate someone “who provided material aid to the war effort during a time of war, including, but not limited to, a conflict enumerated in s. 1.01(14),” as well as a military organization or unit, an armed conflict, “a law enforcement officer, a prison guard, a firefighter, or an astronaut.” It also provides guidelines for relocating or selling such remembrances. Additionally, this bill amends s. 806.13, F.S., adding an **unranked, 3rd degree felony** for a person who willfully and maliciously damages or defaces, injures, or removes by any means a remembrance that is owned or erected by a governmental entity, a museum, a historical society, or a similar organization, or a remembrance that is located in a cemetery or on a grave or tomb.

Per FDLE, for the two misdemeanor offenses under s. 806.13, F.S., in FY 17-18, there were 8,894 arrests, with 3,713 convictions and 1,446 adjudications withheld. Per DOC, in FY 17-18, there were 9 (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 697 (adj.) offenders sentenced for violations of s. 806.13(1)(b)3, F.S., related to criminal mischief, with damage of \$1,000 or more to public communication or any other public service, and 51 (adj.) of these offenders were sentenced to prison (mean sentence length=20.9 m, incarceration rate: 7.4% adj.-7.3% 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 17-18, the incarceration rate for an unranked, 3rd degree felony was 8.7%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House