

CS/SB 1238 – Lewd or Lascivious Grooming (Identical CS/HB 1135)

This bill creates s. 800.045, F.S., defining multiple terms, and creating a **Level 3, 3rd degree felony** for when “a person 18 years of age or older...engages in a pattern of inappropriate communication or conduct directed toward a person less than 16 years of age for the purpose of preparing, encouraging, or enticing such person to engage in any unlawful sexual activity, sexual conduct, or sexual performance.”

Per DOC, in FY 22-23, there were 241 new commitments to prison under current law with statutory language similar to what is used in this bill, such as lewd or lascivious exhibition (s. 800.04(7), F.S), transmission of material harmful to minors (s. 847.0138, F.S.), using computer services or devices (s. 847.0135(3)(a), F.S.) or traveling to meet a minor (s. 847.0135(4)(a), F.S.) in order to “seduce, solicit, lure, or entice or attempt to seduce, solicit, lure, or entice a child or another person believed by the person to be a child, to engage in...unlawful sexual conduct,” and intentionally committing any “sexual act that does not involve actual physical or sexual contact with the victim...” (s. 847.0135(5)(c), F.S.). However, given the felony levels/degrees, all of these offenses would have higher incarceration rates than a Level 3, 3rd degree felony (10.6% in FY 22-23). Therefore, it is not known how many additional offenders would be impacted by this expansion in statutory language.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate