

SB 722 – Fleeing or Attempting to Elude a Law Enforcement Officer (Identical HB 597)

This bill amends s. 316.1935, F.S., adding mandatory minimum sentences to the current felonies for fleeing or attempting to elude a law enforcement officer as follows:

- First offense – mandatory minimum sentence of 364 days' imprisonment
- Second offense – mandatory minimum sentence of 5 years' imprisonment
- Third or subsequent offense – mandatory minimum sentence of 8 years' imprisonment

Additionally, these mandatory minimum sentences will also be added to the current three year mandatory minimum sentences associated with the felony of fleeing or eluding with serious bodily injury or death and aggravated fleeing or eluding with serious bodily injury or death.

Per DOC, in FY 22-23, there were 521 inmates admitted to prison with one prior conviction for fleeing/eluding and 250 inmates admitted to prison with two or more prior convictions. The average sentence length for those not under the current three year mandatory minimum sentence was 38.1 months for those with one prior conviction and 43.8 months for those with two or more prior convictions. Furthermore, there were 184 supervision placements with one prior conviction, and 47 supervision placements with two or more prior convictions.

While there is expected to be a significant effect on the prison population within the five year forecast window, it is difficult to put an exact number due to the time it takes from offense to admission impacting both when the supervised numbers would start showing up in prison admissions and when those currently incarcerated will begin to impact the population due to longer sentences. Furthermore, multiple convictions can occur the first time an offender commits these acts, and might be interpreted differently, depending on the court. Finally, the current three year mandatory minimums associated with the felony of fleeing or eluding with serious bodily injury or death and aggravated fleeing or eluding with serious bodily injury or death are not always followed, with some receiving supervision, and of those admitted to prison, some receiving sentences under the mandatory minimums.

CONFERENCE ADOPTED ESTIMATE: Positive Significant

Requested by: House