

CS/HB 963 – Controlled Substances

Amends s. 893.13(1)(a)1, F.S., providing a 3 year mandatory minimum term of imprisonment when a person sells, manufactures, delivers or possess with intent to commit these acts, a controlled substance within a dwelling. Also amends s. 893.135, F.S. to create a felony of the first degree for “trafficking in synthetic drugs,” adding a number of drugs from s. 893.03(1)(c), F.S. If the quantity involved is:

- between 250-500 grams – Level 7, 1st degree felony; 3 year mandatory minimum
- between 500-1,000 grams – Level 7, 1st degree felony; 7 year mandatory minimum
- between 1,000 grams-30 kilograms – Level 8, 1st degree felony; 15 year mandatory minimum
- 30 kilograms or more – Level 9, 1st degree felony; 25 year mandatory minimum, and must be punished by life

The bill also adds that a person commits a capital felony of trafficking in synthetic drugs if it is determined that while violating these provisions, the trafficker intentionally killed or caused the intentional killing of another individual as a result of the trafficking, or due to his/her conduct, this led to a lethal result. Furthermore, a person that brings in 60 kilograms or more to the state, and knows that the probable result of such importation would be the death of a person, commits capital importation of synthetic drugs, also a capital felony.

Under current law, for similar substances:

- between 10-200 grams – 3 year mandatory minimum
- between 200-400 grams – 7 year mandatory minimum
- between 400 grams-30 kilograms – 15 year mandatory minimum
- 30 kilograms or more would a capital felony

This bill also adds trafficking in LSD to the offense severity ranking chart:

- between 1-5 grams – Level 7, 1st degree felony
- between 5-7 grams – Level 8, 1st degree felony
- 7 grams or more – Level 9, 1st degree felony

Under current law, trafficking in LSD:

- between 1-5 grams – unranked, 1st degree felony
- between 5-7 grams – unranked, 1st degree felony
- 7 grams or more – unranked, 1st degree felony

The only current trafficking offense that exists out of s. 893.03(1)(c), F.S. is MDMA. Per DOC, in FY 13-14, there were 45 offenders sentenced for trafficking between 10 and 200 grams of MDM. 30 of these offenders were sentenced to prison (mean sentence length=38.8 m, incarceration rate: 66.7% adj-67.7% unadj). In FY 13-14, there were 9 offenders sentenced for trafficking between 200 and 400 grams of MDM. 7 of these offenders were sentenced to prison (mean sentence length=55.2 m, incarceration rate: 77.8% adj-83.3% unadj). There were no offenders sentenced for trafficking in over 400 grams of MDMA in FY 13-14. Also, there were no offenders sentenced for capital importation. Currently, cocaine and heroin are the only two trafficking offenses where an intentional killing is recorded, and no offenders were sentenced for this capital felony in FY 13-14.

It is unknown how many offenders violated s. 893.13, F.S. inside a dwelling, but given the large number of offenders sentenced under this statute in FY 13-14 (7,503), with 2,905 receiving a prison sentence (mean sentence length=29.2m), adding this line could significantly increase both prison sentences and sentence length.

Per DOC, in FY 13-14, there were no offenders sentenced for trafficking in LSD.

CONFERENCE ADOPTED ESTIMATE: Positive Significant

Requested by: House