

## HB 1113 – Terroristic Threats (Identical SB 1182)

Creates s. 775.32, F.S., establishing multiple felonies for the crime of making a terroristic threat. An **unranked, 3<sup>rd</sup> degree felony** would occur if a person communicates, directly or indirectly, a threat to commit a violent act or any act dangerous to human life, cause the evacuation of building, place of assembly, or a facility of public transportation, and cause serious public inconvenience or terror. It would be an **unranked 2<sup>nd</sup>, degree felony** if that threat causes the occupants to be diverted from their normal or customary operations, involves a threat against a law enforcement officer or immediate family of the officer, or involves a threat against a state attorney/assistant state attorney or the attorney's immediate family.

There are currently several statutes with similar penalties. For example, s. 836.10, F.S. contains a 2<sup>nd</sup> degree felony for written threats to kill or do bodily harm. Per DOC, in FY-13-14, 50 (adj.) offenders were sentenced for this offense and 14 (adj.) received a prison sentence (mean sentence length=26.6 m, incarceration rate: 28.0% adj-28.6% unadj).

Also, s. 790.162 makes it a 2<sup>nd</sup> degree felony for threatening to throw, project, place, or discharge any destructive device. Per DOC, in FY-13-14, 24 (adj.) offenders were sentenced for this offense and 10 received a prison sentence (mean sentence length=44.7 m, incarceration rate: 41.7% adj-41.2% unadj).

Additionally, s. 790.163, F.S., contains a 2<sup>nd</sup> degree felony for a false report about planting a bomb, explosive, or weapon of mass destruction, and s. 790.164 contains a 2<sup>nd</sup> degree felony for a false report against state-owned property. Per DOC, in FY 13-14, 19 (adj.) offenders were sentenced for a false report about planting an explosive and 6 received a prison sentence (mean sentence length=88.0 m, incarceration rate: 31.6% adj-30.8% unadj). 1 offender was sentenced, and received a prison sentence, for a false report against state-owned property (sentence length=120 months).

Lastly, s. 838.021 contains a 3<sup>rd</sup> degree felony for corruption by threat against a public servant. Per DOC, in FY-13-14, 76 (adj.) offenders were sentenced for this offense and 17 received a prison sentence (mean sentence length=24.0 m, incarceration rate: 22.4% adj-22.6% unadj).

In FY 13-14, the incarceration rate for an unranked, 3rd degree felony was 9.7% and for an unranked, 2nd degree felony was 28.6%.

**CONFERENCE ADOPTED ESTIMATE: Positive Insignificant**

**Requested by: Senate**