

CS/HB 465 – Human Trafficking (Identical SB 1106)

This bill amends s. 796.07, F.S. Under current law, a first violation of paragraph (2)(f) for soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation is a 2nd degree misdemeanor. A second violation is a 1st degree misdemeanor and a third or subsequent violation is an unranked, 3rd degree felony. The proposed legislation provides enhanced penalties for paragraph (2)(f), where a first violation will be a **1st degree misdemeanor**, a second violation is an **unranked, 3rd degree felony**, and a third or subsequent violation is an **unranked, 2nd degree felony**.

Per FDLE, in FY 13-14, there were 10 guilty/convicted counts and 3 adjudication withheld counts for a 1st degree misdemeanor under paragraph (2)(f).

Per DOC, in FY 13-14, 336 offenders (adj.) were convicted of a third degree felony under s. 796.07, F.S. Of these offenders, 16 (adj.) were sentenced to prison and 190 (adj.) were sentenced to jail. It is not possible to separate those sentenced under paragraph (2)(f) from the other paragraphs, but since these individuals make up 7.3% of 1st degree misdemeanor guilty/convicted and adjudication withheld counts under current law, applying the same percentage to third degree felony sentences results in approximately 1 offender (adj.) going to prison and 14 (adj.) offenders going to jail.

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

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House