

## **CS/HB 9 – Use of a Wireless Communications Device While Operating a Motor Vehicle (See HB 1253 from 2014)**

This bill amends s. 782.071, F.S., revising the definition of “vehicular homicide” to include operating a motor vehicle while using a wireless communications device. Current law includes a Level 7, 2<sup>nd</sup> degree felony for causing the death of a human being or unborn child while operating a motor vehicle in a reckless manner. It also includes a Level 8, 1<sup>st</sup> degree felony if individual knew or should have known that an accident occurred and failed to give information and render aid.

Per FDLE, there were 104 total arrests for vehicular homicide in FY 12-13 and 97 total arrests in FY 13-14.

In FY 13-14, the incarceration rate for Level 7, 2<sup>nd</sup> degree felony was 55.5% and for Level 8, 1<sup>st</sup> degree felony was 71.4%.

In FY 13-14, 39 (adj) offenders were sentenced for 2<sup>nd</sup> degree vehicular homicide with 24 (adj) receiving a prison sentence (mean sentence length=157.8 m, incarceration rate: 61.5% adj-63.0% unadj). 14 (adj) offenders were sentenced for 1<sup>st</sup> degree vehicular homicide with 13 (adj) receiving a prison sentence (mean sentence length=185.3 m, incarceration rate: 92.9% adj – 90% unadj). It is unknown what proportion of these offenses involved wireless communication devices. Therefore, it is not possible to determine the impact that this bill would have on prison beds.

**CONFERENCE ADOPTED ESTIMATE: Positive Insignificant**

**Requested by: House**