

HB 955 – Transmission of Pornography (Identical SB 1132)

Under current law, someone in this state who knew or reasonably should have known that he or she was transmitting child pornography to someone in this state or another jurisdiction commits an unranked, 3rd felony. Someone in another jurisdiction that was transmitting it to someone in this state also commits an unranked, 3rd degree felony. This bill amends s. 847.0137, F.S., making each act of sending or delivering child pornography a separate offense. Also, by reenacting s. 775.0847, F.S., the possession of ten or more images could increase all violations to 2nd degree felonies.

Per DOC, in FY 13-14, there were 11 offenders sentenced under s. 847.0137, F.S., including both unranked, 3rd degree felonies. 6 of these offenders were sentenced to prison (mean sentence length=57.0 m, incarceration rate: 54.5% adj-50% unadj). The number of acts is unknown among these offenders, but this bill would increase their average sentence length with each act, with a potentially greater increase at ten or more acts.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House