

CS/SB 608 – Decreasing Penalties for Certain Criminal Acts

Amends s. 322.055, F.S., reducing the period of license revocation, withholding issuance, and extending revocation from one year to six months for a person 18 years of age or older who was convicted of possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance. Per DOC, in FY 15-16, there were 4,947 (adj.) offenders sentenced for driving with a suspended, revoked, cancelled, or disqualified license, with 418 (adj.) of these offenders sentenced to prison (mean sentence length=22.8 m, incarceration rate: 8.5% adj-8.5% unadj). It is unknown how many of these people would fit the criteria described in this bill.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

Amends s. 812.014(2)(c)(1), F.S., increasing the minimum threshold property values for third degree grand theft from \$300 to \$1,000. Further amending third degree grand theft, it removes “a will, codicil, or other testamentary instrument” and any stop sign. It also amends s. 812.014(2)(d), F.S., increasing the maximum threshold property values for third degree grand theft for stealing property from a dwelling or unenclosed curtilage of a dwelling from \$300 to \$1,000. Finally, this bill amends s. 812.014(3)(c), F.S., removing the Level 1, 3rd degree felony for a “person who commits petit theft and who has previously been convicted two or more times of any theft.”

Per DOC, in FY 15-16, there were 11,028 (adj.) offenders sentenced under s. 812.014(2)(c)(1), F.S., with 1,273 (adj.) of these offenders sentenced to prison (mean sentence length=25.9 m, incarceration rate: 11.5% adj-11.5% unadj). The number of offenders that currently fall within the proposed changes to the s. 812.014(2)(c)(1), F.S., thresholds cannot be differentiated from the current thresholds. Per DOC, in FY 15-16, none of the 2 (adj.) offenders sentenced for theft of a will received a prison sentence. One offender was sentenced for theft of a stop sign, and that person received a prison sentence (sentence length=22.0 m, incarceration rate: 100%). There were 174 (adj.) offenders sentenced under s. 812.014(2)(d), F.S., with 36 (adj.) of these offenders sentenced to prison (mean sentence length=23.7 m, incarceration rate: 20.7% adj-20.7% unadj). The number of offenders that currently fall within the proposed changes to the s. 812.014(2)(c)(1), F.S. thresholds cannot be differentiated from the current thresholds. While a certain number of offenders currently charged with third degree grand theft will now fall into the new threshold for this crime, it is not known how many involved stealing property from a dwelling or unenclosed curtilage of a dwelling.

See Handout for a subset of the effect of removing offenders from prison admissions who commit petit theft and who have previously been convicted two or more times of any theft.

CONFERENCE ADOPTED ESTIMATE: Bed Impact

This bill also amends s. 832.05(2)(b), F.S., and s. 832.05(4)(c), F.S., increasing the minimum thresholds of the Level 1, 3rd degree felonies for knowing, making, issuing worthless checks or obtaining property in return for a worthless check from \$150 to \$500.

Per DOC, in FY 15-16, there were 157 (adj.) offenders sentenced for offenses related to worthless checks, with 11 (adj.) offenders sentenced to prison (mean sentence length=29.3 m, incarceration rate: 7.0% adj-6.9% unadj). It is not known how many offenders committed offenses under these particular subsections since DOC doesn't have specific codes for these offenses. It is also unknown how many of the offenders who committed this offense were in the range between \$150 and \$500.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

This bill also amends s. 832.062, F.S., increasing the minimum threshold of the unranked, 3rd degree felony for worthless checks, drafts, debit card orders, or electronic funds transfers made to pay any tax or associated amount administered by the Department of Revenue from \$150 to \$500.

Per DOC, in FY 15-16, there were no offenders sentenced under s. 832.062, F.S.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL: At least as many as Bed Impact

Requested by: Senate

CS/SB 608

Removing Petit Theft Felony (previously been convicted two or more times of any theft)

July 1, 2017 Effective Date

The Criminal Justice Estimating Conference met on 3/29/2017 and estimated the following net impact on the inmate population over the next five years:

a	b	c	FUNDS REQUIRED			
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2017-2018	-531	-531	(\$1,605,744)	(\$55,833,624)	(\$57,439,368)	(\$57,439,368)
2018-2019	-891	-360	(\$7,485,425)	(\$11,036,896)	(\$18,522,321)	(\$75,961,689)
2019-2020	-1,063	-172	(\$9,364,795)	(\$5,793,568)	(\$15,158,363)	(\$91,120,052)
2020-2021	-1,151	-88	(\$13,725,142)	(\$2,091,942)	(\$15,817,084)	(\$106,937,136)
2021-2022	-1,182	-31	(\$14,482,725)	(\$968,366)	(\$15,451,091)	(\$122,388,227)
Total	-1,182	-1,182	(\$46,663,831)	(\$75,724,396)	(\$122,388,227)	(\$122,388,227)

Prepared by Florida Legislature, Office of Economic and Demographic Research, February 19, 2017

FY 2015-16 operating costs per inmate were obtained from DOC. The \$53.49 per diem (\$19,524 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$3.34 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

FY 2006-07 capital costs per bed were based on Department of Corrections cost to build Suwanee CI (\$94,000,000 for 2,003 lawful capacity beds) as reported at the Criminal Justice Impact Conference held February 23, 2010. Capital costs in later years were increased by the change in the chained price index for state and local construction spending obtained from Global Insight, Inc.

Note: This impact statement is not intended to represent the direct appropriations impact of this bill. Rather, it provides a stand-alone estimate of the prison bed need of this particular bill. Cost data are included to allow a comparison of the impact of this bill with other proposed legislation. The actual appropriation associated with passage of this bill will differ depending on a number of factors including the existing inventory of prison beds.