

## **HB 167 – Assault Weapons and High Capacity Magazines (Identical SB 254)**

Creates s. 790.30, F.S., adding an **unranked, 3<sup>rd</sup> degree felony with a mandatory minimum term of 2 years in prison** for distributing, transporting, or importing into the state, selling, keeping for sale, or offering or exposing for sale, or giving any assault weapon or large capacity ammunition magazine. This would not apply to the selling of these weapons to those authorized to use them, such as police departments. Nor would it apply to dealing with an estate or transfer by request or interstate succession if that weapon had a certificate of possession. It also adds an **unranked, 2<sup>nd</sup> degree felony with a mandatory minimum term of 6 years in prison** for transferring, selling, or giving any assault weapon or large capacity ammunition magazine to a person under 18 years of age.

Furthermore, it adds an **unranked, 3<sup>rd</sup> degree felony with a mandatory minimum term of 1 year in prison** for possessing any assault weapon or large capacity ammunition magazine. This would not apply to those authorized to use these weapons, such as police officers, nor would it apply to those with certificates of possession who owned assault weapons prior to the date that this law would go into effect.

This bill also amends s. 775.087(3)(a), F.S., adding “an assault weapon or large capacity magazine” during the commission of the felonies listed to the minimum mandatory sentences of 15 years (possessed weapon during offense), 20 years (discharged weapon during offense), and 25 years (discharged weapon resulted in great bodily harm or death during offense).

Per DOC, in FY 15-16, there were no offenders sentenced for the sale or transfer of arms to minors by dealers (s. 790.18, F.S.). There were 59 (adj.) offenders sentenced for possessing an illegal weapon (s. 790.221, F.S.), and 18 (adj.) of these offenders were sentenced to prison (mean sentence length=32.5 m, incarceration rate: 30.5% adj.-30.6% unadj.).

Per DOC, in FY 15-16, 250 offenders were admitted under s. 775.087, F.S. with at least a 15 year sentence. However, it is unknown how many of these were sentenced under s. 775.087(3)(a), F.S.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: House**