

HB 693 – Criminal Offenses (Identical SB 1102)

Amends s. 212.15, F.S., increasing the thresholds for theft of state funds, defined as a “person who, with intent to unlawfully deprive or defraud the state of its moneys or the use or benefit thereof, fails to remit taxes collected under this chapter.” The current threshold of less than \$300 for a first offense 2nd degree misdemeanor, which becomes an unranked, 3rd degree felony for a third or subsequent offense, is increased to less than \$1,000. This increases the Level 1, 3rd degree felony threshold to a minimum of \$1,000 to go into effect (currently between \$300 and \$20,000). No offenders should be impacted who are currently charged for a third or subsequent offense below the \$300 threshold, but a proportion between \$300 and \$1,000, which currently face a 3rd degree felony, would not be charged with a felony until their third offense.

Per DOC, in FY 15-16, one offender was sentenced for a third or subsequent offense under the \$300 threshold, and that offender did not receive a prison sentence. For those committing an offense between \$300 and \$20,000, 25 (adj.) offenders were sentenced, and none of these offenders received a prison sentence. The number of offenders that currently fall within the proposed changes to this threshold cannot be differentiated from the current thresholds.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

Amends s. 812.014(2)(b)(3), F.S., and s. 812.014(2)(b)(4), F.S., increasing the minimum threshold property values for second degree grand theft of emergency medical equipment and law enforcement equipment from \$300 or more to \$1,000 or more.

Per DOC, in FY 15-16, no offenders were sentenced for these offenses.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

This bill 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. It also amends s. 812.014(2)(d), F.S., increasing the minimum threshold property values for third degree grand theft for stealing property from a dwelling or unenclosed curtilage of a dwelling from \$100 to \$300 and increasing the maximum threshold from \$300 to \$1,000. This bill also amends s. 812.014(2)(e), F.S., increasing the minimum threshold property values for petit theft of the first degree (misdemeanor) from \$100 to \$300 and increasing the maximum threshold from \$300 to \$1,000. These changes would impact s. 812.014(3)(c), F.S., 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). 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). Furthermore, there were 3,951 (adj.) offenders sentenced under s. 812.014(3)(c), F.S., with 547 (adj.) of these offenders sentenced to prison (mean sentence length=24.7 m, incarceration rate: 13.8% adj-13.8% 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. However, 36 offenders were sentenced to prison under s. 812.014(2)(d), F.S. and 547 offenders were sentenced to prison under s. 812.014(3)(c), F.S. (\$100 to \$300), which would not include these offenders within the parameters of the current bill (\$300 to \$1,000). That change alone would be a significant effect. However, a certain number of offenders currently charged with third degree grand theft will now fall into the new thresholds for these two penalties. Although that number cannot be quantified, there is expected to be a significant overall effect on prison beds.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

This bill also amends s. 812.015(8), F.S., increasing the minimum threshold property values for third degree retail theft from \$300 to \$500.

Per DOC, in FY 15-16, there were 394 (adj.) offenders sentenced under s. 812.015(8), F.S., with 84 (adj.) of these offenders sentenced to prison (mean sentence length=28.3 m, incarceration rate: 21.3% adj-21.3% unadj). It is unknown how many of these offenders committed retail theft in the range between \$300 and \$500.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

This bill also amends s. 832.0195, F.S., increasing the minimum threshold of the Level 4, 3rd degree felony for dealing in stolen property by use of the Internet from \$300 to \$500.

Per DOC, in FY 15-16, there were 4 (adj.) offenders sentenced under s. 812.0195, F.S., with 1 (adj.) offender sentenced to prison (sentence length=15.0 m, incarceration rate: 25.0% adj-33.3% unadj). It is unknown how many of the offenders who committed this offense were in the range between \$300 and \$500.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

This bill also amends s. 832.041, F.S., increasing the minimum threshold of the Level 1, 3rd degree felony for stopping payment with intent to defraud from \$150 to \$500.

Per DOC, in FY 15-16, there were no offenders sentenced under s. 832.041, F.S.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

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:
Negative Significant**

Requested by: House