

HB 83 – Offenses by Illegal Immigrants

Creates s. 775.0864, F.S., requiring specified offenses relating to assault, battery, and other types of violence, including the use or threat of physical force or violence, to be reclassified if committed by an illegal immigrant as follows:

- 2nd degree misdemeanor increased to 1st degree misdemeanor
- 1st degree misdemeanor increased to Level 2, 3rd degree felony
- 3rd degree felony increased to 2nd degree felony
- 2nd degree felony increased to 1st degree felony
- 1st degree felony increased to life felony

Furthermore, a felony offense that is reclassified is ranked one level above the ranking under s. 921.0022, F.S. or s. 921.0023, F.S. of the offense committed.

FDLE does not collect data on arrests and court outcomes for illegal or legal immigrants committing misdemeanors. Per DOC, 448 offenders designated as aliens were admitted to prison in FY 15-16 for crimes described in the bill. Furthermore, 320 of these aliens were not born in Cuba. However, aliens in the DOC database include suspected and confirmed aliens, and are also made up of inmates who were legal and illegal immigrants at the time of their offenses.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House