

SB 608 – Decreasing Penalties for Certain Criminal Acts

Amends s. 316.545(1), F.S., reducing the current unranked, 3rd degree felony to a 2nd degree misdemeanor for someone who “knowingly and willfully resists, obstructs, or opposes a weight and safety officer while refusing to submit to such weighing by resisting the officer with violence to the officer’s person.” Per DOC, in FY 15-16, no offenders were sentenced for this felony.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

Amends s. 319.33(4), F.S., “intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration,” currently a Level 3, 3rd degree felony, reducing it to a 2nd degree misdemeanor. DOC does not specifically code for this subsection, but under the general s. 319.33, F.S., in FY 15-16, there were 5 (adj.) offenders sentenced without a subsection listed, and none of these offenders received a prison sentence. It is unknown whether any of them were sentenced under subsection 4.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

Amends s. 322.055(1), F.S., making it required that for those convicted of drug offenses a court restrict (currently allowing discretion), rather than revoke, a person’s driving privileges to business or employment purposes only, if the person qualifies for such a license. 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 removes any commercially farmed animal (reduced to 2nd degree misdemeanor), any fire extinguisher, and any stop sign (reduced to noncriminal violation). It also amends s. 812.014(3)(c), F.S., reducing the Level 1, 3rd degree felony to a 2nd degree misdemeanor 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 offenders sentenced for theft of a will (2 adj.), a commercial animal (6 adj.), or a fire extinguisher (6 adj.) 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%).

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**

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

Requested by: Senate

SB 608

Reducing Petit Theft Felony (previously been convicted two or more times of any theft) to Misdemeanor

July 1, 2017 Effective Date

The Criminal Justice Estimating Conference met on 3/2/2017 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.