

## SB 70 – Crimes Evidencing Prejudice

Amends s. 775.085, F.S., including “actual or perceived” to each potential victim category for commission of a felony or misdemeanor evidencing prejudice, and also adds “sex” and “creed” to the potential basis for prejudice. Additionally, this bill adds law enforcement officers and emergency service employees as potential victims of crimes evidencing prejudice.

S. 943.10, F.S. defines a law enforcement officer to be any person who “is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.” Emergency service employees are defined using s. 494.04, F.S., stating one to be “an employee who is a firefighter, as defined in s. 633.102, or ambulance driver, emergency medical technician, or paramedic, as defined in s. 401.23.” With this bill, the penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor evidences prejudice based on actual or perceived sex, creed, or employment as a law enforcement officer or emergency service employee.

- 2<sup>nd</sup> degree misdemeanor increased to 1<sup>st</sup> degree misdemeanor
- 1<sup>st</sup> degree misdemeanor increased to 3<sup>rd</sup> degree felony
- 3<sup>rd</sup> degree felony increased to 2<sup>nd</sup> degree felony
- 2<sup>nd</sup> degree felony increased to 1<sup>st</sup> degree felony
- 1<sup>st</sup> degree felony increased to life felony

There is currently no data available on whether crimes committed against persons evidenced prejudice based on their sex or creed. Nationwide, the Uniform Crime Reports (UCR) for 2015 note that there were 19 known offenders who committed offenses with Anti-Male/Anti-Female motivations. However, it is unknown how many states currently have these laws.

Per FDLE’s statewide UCR, in 2015, there were 88 offenses, with 26 (adj.) arrests for hate crimes. Also per FDLE’s Computerized Criminal History (CCH) files, in FY 15-16, there were 6 arrests and no dispositions that resulted in a finding of guilty/convicted or adjudication withheld for s. 775.085, F.S., with arrests possibly overlapping with UCR. There were no arrests under the newly created s. 775.0863, F.S. for evidencing prejudice during an offense against someone with a mental or physical disability. However, since these statutes reclassify felonies, such acts might not be captured in the initial arrest.

Since July 1, 2012 there has only been one disposition, and adjudication withheld, for a 3<sup>rd</sup> degree felony under s. 775.085, F.S. Per DOC, no inmates were admitted to the prison system in FY15-16 who committed a misdemeanor that was elevated to a felony by this statute. Furthermore, DOC does not have data available on those felonies that were increased due to this statute. However, there is data on assault/battery against law enforcement officers and emergency service employees, with 458 admissions to prison

in FY 15-16 for these crimes. There was also one admission for attempted murder of a law enforcement officer.

It is not known how many of these admissions focused strictly on law enforcement or emergency service employees, since other types of employees are included. It is also not known how many of these admissions were crimes that evidenced prejudice based on the victim's employment, or how many 1<sup>st</sup> degree misdemeanors against those in these employment categories would be elevated to felonies due to crimes evidencing prejudice.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: Senate**