

CS/HB 1309 – Fraudulently Obtaining or Retaining Personal Property or Equipment

This bill amends s. 812.155(1), F.S., increasing the minimum monetary threshold for the Level 1, 3rd degree felony from \$300 to \$750 for the value of personal property or equipment when someone, “with the intent to defraud the owner or any person lawfully possessing any personal property or equipment, obtains the custody of the personal property or equipment by trick, deceit, or fraudulent or willful false representation.”

This bill also amends s. 812.155(2), F.S., increasing the minimum monetary threshold for the Level 1, 3rd degree felony from \$300 to \$750 for the value of personal property or equipment when someone, “with intent to defraud the owner or any person lawfully possessing personal property or equipment of the rental thereof, hires or leases the personal property or equipment from the owner or the owner's agents or any person in lawful possession thereof.”

Furthermore, this bill also amends s. 812.155(3), F.S., increasing the minimum monetary threshold for the Level 1, 3rd degree felony from \$300 to \$750 for the value of personal property or equipment when someone, “after hiring or leasing personal property or equipment under an agreement to return the personal property to the person letting the personal property or equipment or his or her agent at the termination of the period for which it was let, shall, without the consent of the person or persons knowingly abandon or refuse to return the personal property or equipment as agreed.”

Lastly, this bill adds that “this section does not apply to personal property or equipment that is the subject of a rental purchase agreement that permits the lessee to acquire ownership of the personal property or equipment.”

Per DOC, in FY 16-17, there were 359 (adj.) offenders sentenced for these offenses, and 12 (adj.) of these offenders were sentenced to prison (mean sentence length=23.2 m, incarceration rate: 3.3% adj.-3.4% unadj.). It is not known how many offenders sentenced to prison for these offenses fell between the \$300 and \$750 thresholds.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

Requested by: House