CS/SB 7026 – Public Safety

This bill amends s. 790.065, F.S., adding an **unranked, 3ʳᵈ degree felony** for a person under 21 years of age purchasing a firearm, as well as when the sale or transfer "of a firearm to a person younger than 21 years of age" is "made or facilitated by a licensed importer, licensed manufacturer, or licensed dealer."

Per DOC, in FY 16-17, there were no offenders sentenced for offenses committed under s. 790.065, F.S. Furthermore, there were no offenders sentenced for selling firearms to persons under 18 years of age.

CONFERENCE ADOPTED ESTIMATE AFTER FINAL PASSAGE: Positive Insignificant

This bill also amends s. 790.0655, F.S., expanding the mandatory waiting period of 3 days to all firearms, with the waiting period potentially being longer if the background check takes longer to complete. This change would expand the pool of potential offenders under the **unranked, 3ʳᵈ degree felony** for violating this waiting period.

Per DOC, in FY 16-17, there were no offenders sentenced for violating the 3-day waiting period delivering a handgun before the expiration of the 3-day waiting period.

CONFERENCE ADOPTED ESTIMATE AFTER FINAL PASSAGE: Positive Insignificant

This bill also creates s. 790.222, F.S., adding an **unranked, 3ʳᵈ degree felony** for a person who imports into this state or transfers, distributes, sells, keeps for sale, offers for sale, possesses, or gives to another person a bump fire stock.

Per DOC, in FY 16-17, the incarceration rate for an unranked, 3ʳᵈ degree felony was 9.5%.

CONFERENCE ADOPTED ESTIMATE AFTER FINAL PASSAGE: Positive Insignificant

This bill also creates s. 790.401, F.S., establishing a process by which a law enforcement officer petitions a court for a temporary ex parte risk protection order and a final risk protection order, in order to temporarily prevent persons from accessing firearms when there is demonstrated evidence that a person poses a significant danger to himself or herself or others. Two **unranked, 3ʳᵈ degree felonies** are created under this statute. The first involves a person making a false statement, which he or she does not believe to be true, under oath in a hearing under this statute, in regard to any

material matter. The second pertains to "a person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by an order issued under this" statute.

S. 837.021, F.S. includes a Level 4, 3rd degree felony for perjury by contradictory statements. Per DOC, in FY 16-17, there were 27 (adj.) offenders sentenced for this violation, and 4 (adj.) of these offenders were sentenced to prison (mean sentence length=52.8 m, incarceration rate: 14.8% adj.-16.0% unadj.). While it is not known how many additional offenders would be added with the creation of s. 790.41, F.S., the numbers are low across a larger pool of court cases.

The pool of potential offenders for knowingly having a firearm when they are prohibited under s. 790.41, F.S. is also not known.

Per DOC, in FY 16-17, the incarceration rate for an unranked, 3rd degree felony was 9.5%.

CONFERENCE ADOPTED ESTIMATE AFTER FINAL PASSAGE: Positive Indeterminate

This bill also amends s. 836.10, F.S., adding "any person who makes, posts, or transmits a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat" to the current Level 6, 2nd degree felony.

Per DOC, in FY 16-17, there were 112 (adj.) offenders sentenced for written threats to kill or do bodily injury, and 43 (adj.) of these offenders were sentenced to prison (mean sentence length=50.5 m, incarceration rate: 38.4% adj.-38.2% unadj.). It is not known how many offenders would fall under the more expanded definition.

CONFERENCE ADOPTED ESTIMATE AFTER FINAL PASSAGE: Positive Indeterminate

CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL AFTER FINAL PASSAGE: Positive Indeterminate