

## HB 741 – Anti-Semitism (Similar SB 1272)

Amends s. 775.085, F.S., providing a specific definition of “anti-Semitism” under religion, providing examples, and stating that “in investigating an alleged violation of law, a law enforcement agency shall take into consideration the requirements of this section and the definition of anti-Semitism for purposes of determining whether the alleged violation was motivated by anti-Semitism or other intent sufficient to fall within this section.” This addition, while focusing on anti-Semitism, also encompasses all other potential victims defined in this section.

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 is based on anti-Semitism as defined.

- 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

Nationwide, the Uniform Crime Reports (UCR) for 2017 note that there were 523 known offenders who committed offenses with Anti-Jewish motivations. However, it is unknown how each state’s laws differ in their definition of religion or anti-Semitism, and it is also not known how many potential offenders this new definition would include.

Per FDLE’s statewide UCR, in 2017, there were 46 offenses involving religion, and 5 arrests that were determined to be based on Anti-Jewish motivations. Also per FDLE’s Computerized Criminal History (CCH) files, in FY 17-18, there were 7 arrests, with adjudication withheld for a 3<sup>rd</sup> degree felony under s. 775.085, F.S., with arrests possibly overlapping with UCR. However, since these statutes reclassify felonies, such acts might not be captured in the initial arrest.

Since July 1, 2012 there have been two adjudications withheld for 3<sup>rd</sup> degree felonies under s. 775.085, F.S., and one 1<sup>st</sup> degree misdemeanor guilty conviction. Per DOC, 1 (adj.) person was sentenced in FY 17-18 who committed a misdemeanor that was elevated to a felony by this statute, but that person was not sentenced to prison. Furthermore, DOC does not have data available on those felonies that were increased due to this statute.

**CONFERENCE ADOPTED ESTIMATE: Positive Insignificant**

**Requested by: House**