

CS/HB 745 – Contraband in Specified Facilities

Amends s. 916.1085, F.S., adding to the list of contraband items that it is unlawful to introduce into or upon the grounds of “facilities which house defendants who have been adjudicated incompetent to proceed or found not guilty by reason of insanity” the following: “marijuana as defined in s. 381.986, F.S., hemp as defined in s. 581.217, F.S., and industrial hemp as defined in s. 1004.4473, F.S.,” as well as “any cellular telephone or other portable communication device as described in s. 944.47(1)(a)6, F.S.,” and “any vapor-generating electronic device as defined in s. 386.203, F.S.” While most of these are 1st degree misdemeanors, the previous Level 1, 3rd degree felony for introducing a controlled substance is now elevated to a **Level 4, 3rd degree felony** along with “any firearm or deadly weapon.”

This bill also amends s. 944.47, F.S., adding “marijuana as defined in s. 381.986, F.S., hemp as defined in s. 581.217, F.S., and industrial hemp as defined in s. 1004.4473, F.S.” to the current Level 4, 2nd degree felony for introducing a controlled substance into a Florida Department of Corrections facility. Furthermore, “any vapor-generating electronic device as defined in s. 386.203, F.S.” is also added as a 1st degree misdemeanor.

This bill also amends s. 951.22, F.S., adding “marijuana as defined in s. 381.986, F.S., hemp as defined in s. 581.217, F.S., and industrial hemp as defined in s. 1004.4473, F.S.” to the current Level 4, 3rd degree felony for introducing a controlled substance into county detention facilities. Furthermore, “any vapor-generating electronic device as defined in s. 386.203, F.S.” is also added as a 1st degree misdemeanor.

Finally, this bill amends s. 985.711, F.S., adding “marijuana as defined in s. 381.986, F.S., hemp as defined in s. 581.217, F.S., and industrial hemp as defined in s. 1004.4473, F.S.” to the current Level 4, 2nd degree felony for introducing a controlled substance into juvenile detention facilities. Furthermore, “any cellular telephone or other portable communication device as described in s. 944.47(1)(a)6, F.S.” and “any vapor-generating electronic device as defined in s. 386.203, F.S.” are also added as 1st degree misdemeanors.

Per DOC, in FY 18-19, there were 11 new commitments for introducing a controlled substance into a state prison and 132 new commitments for introducing contraband into a county detention facility (type of contraband not defined). There were no commitments for introduction of controlled substances into a DCF or DJJ facility. It is not known how the recent changes to marijuana law impacted contraband offenses prior to this amended language.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House