

CS/SB 796 – Tampering with or Fabricating Physical Evidence (Identical CS/HB 287)

This bill amends s. 918.13, F.S., elevating the current Level 1, 3rd degree felony for fabricating physical evidence to a **Level 3, 3rd degree felony**. Currently, only tampering with physical evidence is a Level 3, 3rd degree felony. This bill also adds a **Level 6, 2nd degree felony** for committing these acts “relating to a criminal trial, proceeding, or investigation that relates to a capital felony.”

Per DOC, in FY 18-19, there were 68 new commitments to prison for tampering with evidence (incarceration rate: 12.0%). In FY 19-20, there were 57 new commitments (incarceration rate: 14.1%). In FY 20-21, there were 28 new commitments (incarceration rate: 12.4%). There were no new commitments for fabricating physical evidence during these fiscal years. It is not known how many additional offenders would fall under this new language.

In FY 18-19, the incarceration rate for a Level 3, 3rd degree felony was 9.7%, and in FY 19-20 the incarceration rate was 8.9%. In FY 20-21, the incarceration rate for a Level 3, 3rd degree felony was 8.6%. The incarceration rate for a Level 6, 2nd degree felony was 43.8% in FY 18-19, in FY 19-20 the incarceration rate was 40.9%, and in FY 20-21 the incarceration rate was 40.8%.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate & House