

HB 1465 – Firearm and Destructive Device Offenses (Identical SB 1456)

This bill amends s. 775.087, F.S., adding “human trafficking” to the list of offenses where mandatory minimum sentences will occur if the use of a firearm is an essential element,” with increasing mandatory minimums, depending on the firearm type and how it was used, or if someone was injured from its use, while committing the felony.

This bill also amends s. 812.014, F.S., increasing the current Level 4, 3rd degree felony for grand theft of a firearm to a **Level 6, 3rd degree felony**. Furthermore, it adds a **Level 7, 2nd degree felony** for grand theft of a firearm if “the offender has previously been convicted of grand theft of a firearm.”

In FY 18-19, the incarceration rate for a Level 6, 3rd degree felony was 26.6%, and in FY 19-20 the incarceration rate was 24.4%. In FY 20-21, the incarceration rate for a Level 6, 3rd degree felony was 23.5%, and in FY 21-22 the incarceration rate was 23.8%. In FY 18-19, the incarceration rate for a Level 7, 2nd degree felony was 47.7%, and in FY 19-20 the incarceration rate was 44.5%. In FY 20-21, the incarceration rate for a Level 7, 2nd degree felony was 43.3%, and in FY 21-22 the incarceration rate was 43.8%.

Per DOC, there were 20 new commitments to prison for human trafficking violations in FY 18-19, and there were 8 new commitments in FY 19-20. There were 8 new commitments in FY 20-21, and there were 28 new commitments in FY 21-22. Additionally, of the human trafficking offenders committed to prison over the last three fiscal years, there were 2 offenders who also had a firearm charge.

Per DOC, in FY 18-19, there were 18 new commitments to prison for grand theft of a firearm. In FY 19-20, there were 18 new commitments, and there were 14 new commitments in FY 20-21. There were 16 new commitments in FY 21-22. Of these commitments, roughly 3% to 4% were incarcerated with a second grand theft of a firearm conviction. Incarceration rates for grand theft of a firearm varied considerably, with 17.3% going to prison in FY 18-19, 14.0% going to prison in FY 19-20, 15.2% going to prison in FY 20-21, and 25.6% going to prison in FY 21-22.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate