

HB 267 – Confidential Informants (Identical SB 372)

Amends s. 914.28, F.S., creating an **unranked, 3rd degree felony** if a law enforcement officer or support personnel willfully fails to comply with the requirements to adopt policies and procedures that provide reasonable protective measures for confidential informants.

Per FDLE, s. 782.07(1), F.S. addresses this issue by providing a 2nd degree felony for culpable negligence leading to the unlawful killing of a person, while s. 784.05(1), F.S. provides a 2nd degree misdemeanor for exposing a victim to personal injury through culpable negligence.

In FY 13-14, incarceration rate for unranked, 3rd degree felony was 9.7%.

In FY 13-14, 125 (adj.) were charged and 102 (adj.) were sentenced to prison for homicide culpable negligence. However, this is a 2nd degree felony. It is unknown what proportion of these offenses are made up of incidents involving confidential informants. The same applies to the 2nd degree misdemeanor, where 31 individuals were found guilty and 17 individuals had adjudication withheld in FY 13-14 (Per FDLE).

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate