

CS/HB 257 – Terroristic Threats

Creates s. 775.32, F.S., establishing multiple felonies for the crime of making a terroristic threat. An **unranked, 3rd degree felony** would occur if a person threatens to commit a crime of violence with the intent to cause, or with reckless disregard for the risk of causing terror or the evacuation of a building, place of assembly, or facility of public transportation. It would be an **unranked, 2nd degree felony** if that threat causes the occupants of a building, place of assembly, or facility of public transportation to be diverted from their normal or customary operations, involves a threat against instructional personnel, a law enforcement officer, state attorney/assistant state attorney, firefighter, judge, elected official, or a threat against the family of these people. This committee substitute has also defined a facility of public transportation and expanded the definition of law enforcement officer and family member to include other potential victims of these threats.

There are currently several statutes with similar penalties. For example, s. 836.10, F.S. contains a 2nd degree felony for written threats to kill or do bodily harm. Per DOC, in FY 14-15, 51 (adj.) offenders were sentenced for this offense and 13 (adj.) received a prison sentence (mean sentence length=50.4 m, incarceration rate: 25.5% adj.-25.6% unadj.).

Also, s. 790.162, F.S. makes it a 2nd degree felony for threatening to throw, project, place, or discharge any destructive device. Per DOC, in FY 14-15, 14 (adj.) offenders were sentenced for this offense and 1 received a prison sentence (mean sentence length=14.0 m, incarceration rate: 7.14% adj.-9.09% unadj.).

Additionally, s. 790.163, F.S., contains a 2nd degree felony for a false report about planting a bomb, explosive, or weapon of mass destruction, and s. 790.164, F.S. contains a 2nd degree felony for a false report against state-owned property. Per DOC, in FY 14-15, 24 (adj.) offenders were sentenced for a false report about planting an explosive and 4 received a prison sentence (mean sentence length=27.0 m, incarceration rate: 16.7% adj.-16.7% unadj.). One offender was sentenced, but did not receive a prison sentence, for a false report against state-owned property.

Lastly, s. 838.021, F.S. contains a 3rd degree felony for corruption by threat against a public servant. Per DOC, in FY 14-15, 65 (adj.) offenders were sentenced for this offense and 8 (adj.) received a prison sentence (mean sentence length=26.0 m, incarceration rate: 12.3% adj.-12.0% unadj.).

In FY 14-15, the incarceration rate for an unranked, 3rd degree felony was 9.9% and for an unranked, 2nd degree felony was 26.7%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House