

## **HB 105 – Offenses Involving Electronic Benefits Transfer Cards**

This bill amends s. 414.39, F.S. Under current law, it is a 1<sup>st</sup> degree misdemeanor for unauthorized use, possession, forgery, or alteration of a food assistance program or Medicaid ID, as well as fraudulent misappropriation of public assistance funds by an employee/official, with a value less than \$200. If that value is more than \$200, it is a level 1, 3<sup>rd</sup> degree felony. The proposed legislation adds a **level 1, 3<sup>rd</sup> degree felony** for a person in possession of two or more electronic benefits transfer cards that are issued to other persons and sells or attempts to sell one or more of these cards.

Per FDLE, in FY 14-15, there were 5 guilty/convicted counts and 10 adjudication withheld counts for violating FS 414.39 with 1<sup>st</sup> degree misdemeanors. Per DOC, in FY 14-15, there were 379 (adj.) offenders sentenced under s. 414.39, F.S. Nine of these offenders were sentenced to prison (mean sentence length=28.9 m, incarceration rate: 2.4% adj.-2.4% unadj.). It is unknown how many of these offenders would be affected by this law.

**CONFERENCE ADOPTED ESTIMATE: Positive Insignificant**

**Requested by: House**