

CS/HB 921 – Electronic Threats (Identical SB 1850)

This bill amends s. 836.10, F.S., defining electronic record as “any record created, modified, archived, received, or distributed electronically which contains any combination of text, graphics, video, audio, or pictorial represented in digital form, but does not include a telephone call.” It deletes much of the current language and now reads: “It is unlawful for any person to send, post, or transmit, or procure the sending, posting, or transmission of, a writing or other record, including an electronic record, in any manner in which it may be viewed by another person, when in such writing or record the person makes a threat to... kill or to do bodily harm to another person; or...conduct a mass shooting or an act of terrorism.” By providing a definition for electronic record and broadening the threat beyond the person the threat is sent to or family member of a person receiving the threat, this could expand the potential pool of offenders by including threats without a clear recipient, such as social media posts viewed by the public. This is a Level 6, 2nd degree felony.

Per DOC, in FY 18-19, there were 50 new commitments to prison under s. 836.10, F.S. (incarceration rate: 23.2%). In FY 19-20, there were 46 new commitments (incarceration rate: 26.3%). It is not known how many additional offenders would fall under the more expanded language.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House