

SB 380 – Violation of an Injunction for Protection (Identical HB 101)

This bill amends s. 741.31, F.S., s. 784.047, F.S., and s. 784.0487, F.S. Under current law, it is a 1st degree misdemeanor to willfully violate an injunction for protection against domestic violence (s. 741.31, F.S.). It is a 1st degree misdemeanor to willfully violate an injunction for protection against repeat violence, sexual violence, or dating violence (s. 784.047, F.S.). Also, it is a 1st degree misdemeanor to willfully violate an injunction for protection against stalking or cyberstalking (s. 784.0487, F.S.). The proposed legislation adds an **unranked, 3rd degree** felony for a person who has two or more prior convictions for violating an injunction and commits any third or subsequent violation under each of these three statutes.

Per FDLE, in FY 14-15, there were 190 guilty/convicted counts and 6 adjudication withheld counts for repeat offenders violating s. 741.31, F.S. There were 12 guilty/convicted counts and 1 adjudication withheld count for repeat offenders violating s. 784.047, F.S. There was 1 guilty/convicted count and 0 adjudication withheld counts for repeat offenders violating s. 784.0487. It is unknown what number of these repeat offenses were third or subsequent violations.

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

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House