

SB 314 – Offenses Committed by Aliens

Creates s. 775.0864, F.S., requiring offenses relating to sexual battery, aggravated assault with a deadly weapon, murder, unlawful throwing/placing/discharging of a destructive device or bomb, and armed burglary to be reclassified if committed by an unlawfully present alien as follows:

- 1st degree misdemeanor increased to Level 2, 3rd degree felony
- 3rd degree felony increased to 2nd degree felony
- 2nd degree felony increased to 1st degree felony
- 1st degree felony increased to life felony

Furthermore, a felony offense that is reclassified is ranked one level above the ranking under s. 921.0022, F.S. or s. 921.0023, F.S. of the offense committed.

FDLE does not collect data on arrests and court outcomes for illegal or legal immigrants committing misdemeanors. Per DOC, 131 offenders designated as aliens were admitted to prison in FY 18-19, 101 were admitted in FY 19-20, and 59 were admitted in FY 20-21 for crimes described in the bill. However, aliens in the DOC database include both legal and illegal immigrants at the time of their offense.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate