

CS/SB 218 – Offenses Involving Electronic Benefits Transfer Cards

This bill amends s. 414.39, F.S. Under current law, it is a 1st 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, 3rd degree felony. The proposed legislation adds a 1st degree misdemeanor 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. A second or subsequent violation will result in a **level 1, 3rd degree felony**.

Per FDLE, in FY 14-15, there were 5 guilty/convicted counts and 10 adjudication withheld counts for violating FS 414.39 with 1st degree misdemeanors. There were no repeat offenders. 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: Senate