

## CS/HB 833 – Retail Theft

Amends s. 921.0022, F.S., increasing the offense level for petit theft third or subsequent offense from a Level 1, 3<sup>rd</sup> degree felony to a **Level 4, 3<sup>rd</sup> degree felony**. Furthermore, it increases the offense level for engaging in communications fraud, property valued at less than \$20,000 from a Level 3, 3<sup>rd</sup> degree felony to a **Level 4, 3<sup>rd</sup> degree felony**. Finally, it increases the offense level for engaging in communications fraud, valued from \$20,000 to \$50,000 from a Level 5, 2<sup>nd</sup> degree felony to a **Level 6, 2<sup>nd</sup> degree felony**.

Per DOC, in FY 16-17, there were 3,604 (adj.) offenders sentenced for petit theft third or subsequent offense, with 529 (adj.) of these offenders sentenced to prison (mean sentence length=24.9 m, incarceration rate: 14.7% adj-14.7% unadj). This is higher than the overall incarceration rate for a Level 1, 3<sup>rd</sup> degree felony (9.5%).

There were 714 (adj.) offenders sentenced for communications fraud, property valued at less than \$20,000, with 114 (adj.) of these offenders sentenced to prison (mean sentence length=28.7 m, incarceration rate: 16.0% adj-16.0% unadj). This is higher than the overall incarceration rate for a Level 3, 3<sup>rd</sup> degree felony (10.9%).

There were 88 (adj.) offenders sentenced for communications fraud, valued from \$20,000 to \$50,000, with 24 (adj.) of these offenders sentenced to prison (mean sentence length=40.7 m, incarceration rate: 27.3% adj-27.5% unadj). This is lower than the overall incarceration rate for a Level 5, 2<sup>nd</sup> degree felony (40.8%).

In FY 16-17, the incarceration rate for a Level 4, 3<sup>rd</sup> degree felony was 23.3% and the incarceration rate for a Level 6, 2<sup>nd</sup> degree felony was 47.6%. It is not known how current practices would shift with the increase in felony level.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate, beginning July 1, 2019**

**Requested by: House**