

SB 928 – Theft (Similar HB 713)

Amends s. 812.014(2)(c)(1), F.S., increasing the minimum threshold property values for third degree grand theft from \$300 to \$1,500. Further amending third degree grand theft, it removes “a will, codicil, or other testamentary instrument,” and removes any fire extinguisher, any property taken from a designated construction site, any stop sign, and anhydrous ammonia.

It also amends s. 812.014(2)(d), F.S., increasing the minimum threshold property values for third degree grand theft for stealing property from a dwelling or unenclosed curtilage of a dwelling from \$100 to \$1,500 and increasing the maximum threshold from \$300 to \$5,000.

This bill also amends s. 812.014(2)(e), F.S., increasing the minimum threshold property values for petit theft of the first degree (misdemeanor) from \$100 to \$500 and increasing the maximum threshold from \$300 to \$1,500. While these changes would impact s. 812.014(3)(c), F.S., the bill also amends this, adding that a “person who commits petit theft of the first degree and who has previously been convicted two or more times of any theft as an adult” commits a Level 1, 3rd degree felony, “if the third or subsequent petit theft offense occurs within 3 years after the expiration of his or her sentence for the most recent theft conviction.” Currently, this felony applies for any petit theft committed for a third or more time at any age without any point in time where the prior offenses could no longer be considered.

Per DOC, in FY 16-17, there were 10,554 (adj.) offenders sentenced under s. 812.014(2)(c)(1), F.S., with 1,026 (adj.) of these offenders sentenced to prison (mean sentence length=25.8 m, incarceration rate: 9.7% adj-9.7% unadj). The number of offenders that currently fall within the proposed changes to the s. 812.014(2)(c)(1), F.S., thresholds cannot be differentiated from the current thresholds. Per DOC, in FY 16-17, none of the offenders sentenced for theft of a will (1 adj.) received a prison sentence, and nobody was sentenced for theft of anhydrous ammonia or theft of a stop sign. Taking property from a construction site had 14 (adj.) offenders sentenced, with 5 (adj.) offenders receiving prison (mean sentence length=13.2 m, incarceration rate: 35.7% adj-38.5% unadj). Theft of a fire extinguisher had 7 (adj.) offenders sentenced, with 2 (adj.) offenders receiving prison (mean sentence length=13.2 m, incarceration rate: 28.6% adj-33.3% unadj).

Per DOC, in FY 16-17, there were 140 (adj.) offenders sentenced under s. 812.014(2)(d), F.S., with 26 (adj.) of these offenders sentenced to prison (mean sentence length=21.7 m, incarceration rate: 18.6% adj-18.9% unadj). A certain number of offenders currently charged under s. 812.014(2)(c)(1), F.S. will now fall into the new threshold for s. 812.014(2)(d), F.S., where a higher incarceration rate currently exists. However, it is not known how many offenders charged under s. 812.014(2)(c)(1), F.S. stole property from a dwelling or unenclosed curtilage of a dwelling.

Per DOC, in FY 16-17, there were 3,604 (adj.) offenders sentenced under s.

812.014(3)(c), F.S., with 529 (adj.) of these offenders sentenced to prison (mean sentence length=24.9 m, incarceration rate: 14.7% adj-14.7% unadj). The available data cannot determine how many offenders would be impacted by the proposed changes.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

This bill also amends s. 812.015(8), F.S., increasing the minimum threshold property values for retail theft from \$300 to \$1,500, a Level 5, 3rd degree felony, and amends s. 812.015(9)(a), F.S., adding that the Level 6, 2nd degree felony applies when the person has been previously convicted as an adult of a violation of the 3rd degree felony, and commits another violation within 3 years after the expiration of the sentence. Currently, there is no age range or time limit for when the first violation occurred.

Per DOC, in FY 16-17, there were 332 (adj.) offenders sentenced under s. 812.015(8), F.S., with 73 (adj.) of these offenders sentenced to prison (mean sentence length=24.4 m, incarceration rate: 22.0% adj-21.9% unadj). There were 4 (adj.) offenders sentenced under s. 812.015(9)(a), F.S., and none of these offenders received a prison sentence. The number of offenders that currently fall within the proposed changes to the s. 812.015(8), F.S., threshold cannot be differentiated from the current threshold.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

**CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL:
Negative Significant**

Requested by: Senate