

SB 406 – Theft

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 any fire extinguisher.

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 in the first degree and who has previously been convicted two or more times as an adult of any theft” commits a Level 1, 3rd degree felony, “if the third or subsequent petit theft offense occurred 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.

It also adds that “for purposes of determining the value of property taken in violation of this section, the value must be based on the fair market value of the property at the time the taking occurred.”

Per DOC, in FY 17-18 there were 10,351 (adj.) offenders sentenced under s. 812.014(2)(c)(1), F.S., with 1,131 (adj.) of these offenders sentenced to prison (mean sentence length=25.7 m, incarceration rate: 10.9% adj-10.9% 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. Theft of a fire extinguisher had 4 (adj.) offenders sentenced, with no offenders receiving a prison sentence.

Per DOC, in FY 17-18, there were 116 (adj.) offenders sentenced under s. 812.014(2)(d), F.S., with 10 (adj.) of these offenders sentenced to prison (mean sentence length=20.9 m, incarceration rate: 8.6% adj-8.3% 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 existed in prior years. 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 17-18, there were 3,389 (adj.) offenders sentenced under s. 812.014(3)(c), F.S., with 436 (adj.) of these offenders sentenced to prison (mean sentence length=23.1 m, incarceration rate: 12.9% adj-12.9% 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 violates s. 812.015(8), F.S. as an adult “and has previously been convicted of a violation of subsection (8) within 3 years after the expiration of his or her sentence for the conviction.” Currently, there is no age range or time limit for when the first violation occurred.

Value is also defined as “the fair market value of the property taken in violation of this section at the time the taking occurred.”

Per DOC, in FY 17-18, there were 301 (adj.) offenders sentenced under s. 812.015(8), F.S., with 65 (adj.) of these offenders sentenced to prison (mean sentence length=30.1 m, incarceration rate: 21.6% adj-21.7% unadj). There were 5 (adj.) offenders sentenced under s. 812.015(9)(a), F.S., and one of these offenders received a prison sentence (sentence length=24.0, incarceration rate: 20.0% adj-20.0% unadj). 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