

CS/HB 777 – Tampering With or Fabricating Physical Evidence

This bill amends s. 918.13, F.S., elevating the current Level 1, 3rd degree felony for fabricating physical evidence to a **Level 3, 3rd degree felony**. Currently, only tampering with physical evidence is a Level 3, 3rd degree felony. This bill also adds an **unranked, 2nd degree felony (Level 4 by default)** for committing these acts “relating to a criminal trial or proceeding or an investigation that relates to a violent felony offense described in s. 775.084(1)(b)1, F.S.”, and an **unranked, 1st degree felony (Level 7 by default)** for committing these acts “relating to a criminal trial or proceeding or an investigation that relates to a capital felony, or a criminal offense which results in the death of a person.”

Per DOC, in FY 18-19, there were 68 new commitments to prison for tampering with evidence (incarceration rate: 12.1%). In FY 19-20, there were 57 new commitments (incarceration rate: 13.3%). There were no new commitments for fabricating physical evidence. It is not known how many additional offenders would fall under this new language.

In FY 18-19, the incarceration rate for a Level 3, 3rd degree felony was 9.8%, and in FY 19-20 the incarceration rate was 8.8%. The incarceration rate for a Level 4, 2nd degree felony was 28.2% in FY 18-19, and in FY 19-20 the incarceration rate was 28.3%. The incarceration rate for a Level 7, 1st degree felony was 67.8% in FY 18-19, and in FY 19-20 the incarceration rate was 68.8%.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House