

HB 583 – Interception of Wire, Oral, or Electronic Communications Made in Violation of Protective Orders (Identical SB 1802)

This bill amends s. 934.03, F.S., adding the following: “It is lawful under this section and ss. 934.04-934.09, F.S. for a person who is protected under an active temporary or final injunction for repeat violence, sexual violence, or dating violence under s. 784.046, F.S.; domestic violence under s. 741.30, F.S.; or any other court-imposed prohibition of conduct toward the person to intercept and record a wire, oral, or electronic communication received in violation of such injunction or court order. A recording authorized under this paragraph may be provided to a law enforcement agency or a court for the purpose of evidencing a violation of an injunction or court order and may not be otherwise disseminated or shared.” This creates an exception to the Level 1, 3rd degree felonies for interception and disclosure of wire, oral, or electronic communications (s. 934.03(1), F.S.) and manufacture, distribution, or possession of wire, oral, or electronic communication intercepting devices (s. 934.04(1), F.S.).

Per DOC, in FY 18-19, there were no new commitments to prison for felonies under s. 934.03, F.S. or s. 934.04, F.S. There was one new commitment in FY 19-20. However, the language above could impact cases by expanding the means to prove a violation of an injunction or other court order prohibiting contact. A violation of an injunction committed after two or more violations becomes a 3rd degree felony. Per DOC, in FY 18-19, there were 5 new commitments to prison for felonies resulting from a violation of an injunction order, and in FY 19-20, there were 2 new commitments. S. 921.244, F.S. contains a 3rd degree felony for a sex offender contacting a victim for the duration of the sentence imposed, but there were no commitments to prison under this statute in either fiscal year. It is not known how many people have been committed to prison for violating a no contact order for other crimes.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House