

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 349 CS

Theft of Property

SPONSOR(S): Brandenburg

TIED BILLS:

IDEN./SIM. BILLS: SB 174

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	5 Y, 0 N, w/CS	Ferguson	Kramer
2) Criminal Justice Appropriations Committee			
3) Justice Council			
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Currently, the offense of robbery is a 1st degree felony if in the course of the robbery, the offender carried a weapon. The bill expands the offense to include *threatening* to use a weapon or firearm.

The effective date of this bill is October 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility- This bill increases criminal penalties for certain offenses.

B. EFFECT OF PROPOSED CHANGES:

Section 812.13, F.S., defines "robbery" as the taking of money or other property which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the money or other property, when in the course of the taking there is the use of force, violence, assault, or putting in fear. Armed robbery, where the offender carried a firearm or other deadly weapon, is a life felony. Other armed robbery is a first degree felony and unarmed robbery is a second degree felony.

These offenses are summarized in the following chart:

Current law: Robbery Offenses			
Description of Offense	Offense Level and Max. Penalty	CPC Level, Min. Sentence	Attempt
Robbery with a firearm	Life Felony	Level 9 10/20/Life applies	2nd degree felony, Level 8, 10/20/Life
Robbery with deadly weapon other than firearm	Life Felony	Level 9 48 months	2nd degree felony, Level 8
Robbery with weapon, not deadly, no firearm	1st degree felony, 30 years	Level 8 34.5 months	2nd degree felony, Level 7
Robbery with no weapon	2nd degree felony, 15 years	Level 6 Any nonstate	3rd degree felony Level 5

Effect of Bill

This bill adds to the first degree felony of robbery where the offender carries a weapon, s. 812.13(2)(b), F.S., to include a threat to use a weapon or firearm.

C. SECTION DIRECTORY:

Section 1 amends s. 812.13, F.S., to add that treating to use a weapon or firearm is punishable the same as completion of the criminal offense.

Section 2 reenacts paragraphs (f), (h), and (i) of subsection (3) of s. 921.0022, F.S.

Section 3 provides an effective date of October 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

As originally filed, the bill would have amended the robbery, robbery by sudden snatching and carjacking statutes to treat "endeavoring to take" property in the same manner as if the property was actually taken. The Criminal Justice Impact Conference estimated that the bill would have a fiscal impact in excess of \$19,000,000 on the Department of Corrections over the next 5 years. It is expected that the bill, as amended, will have significantly less impact. This analysis will be updated when the Criminal Justice Impact Conference provides an estimate of the prison bed impact of the bill as amended.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On February 8th, 2006, the Criminal Justice Committee passed HB 349 with one amendment. The amendment removed the language from the original bill related to the offense of robbery which would make "endeavoring to take" property punishable in the same manner as if the property were actually taken.

This analysis reflects HB 349 as amended.