

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Criminal Justice Committee

BILL: CS/SB 174

INTRODUCER: Criminal Justice Committee, and Senators Rich, Campbell, and others

SUBJECT: Robbery

DATE: February 9, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/CS
2.	_____	_____	JU	_____
3.	_____	_____	JA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill amends the armed robbery statute to incorporate the threat of the use of a weapon or firearm, not just the carrying of a weapon, as a factor in the determination of the level of the felony.

The bill reenacts the corresponding subsections of the Criminal Code Ranking Chart, without amendment. Those subsections are s. 921.022 (3)(f), (h), and (i), F.S.

This bill substantially amends section 812.13 of the Florida Statutes.

II. Present Situation:

The crimes of robbery, robbery by sudden snatching, and carjacking consist of basically the same elements. These are:

- Taking of money or other property from another person,
- with the intent to either permanently or temporarily deprive the other person (or owner) of the money or property,
- where there is force, violence, assault, putting in fear, or in the case of sudden snatching, at least an awareness on the part of the victim that property is being taken from his or her person.

In essence, these are all theft crimes involving personal confrontation between the offender and the victim.

The robbery-related crimes are classified as follows:

- Robbery or carjacking while armed with a firearm or other deadly weapon – first degree felony punishable by up to life in prison.
- Robbery while armed with a weapon or unarmed carjacking – first degree felony punishable by up to 30 years.
- Simple robbery (unarmed), robbery by sudden snatching while armed with a firearm or deadly weapon – second degree felony punishable by up to 15 years.
- Unarmed robbery by sudden snatching – third degree felony punishable by up to five years.

III. Effect of Proposed Changes:

This bill amends the elements of armed robbery, where the offender is armed with a weapon, to include *threatening to use* a firearm or a weapon. It also clarifies that the offender did not threaten to use a firearm or a weapon in the commission of simple, strong-arm robbery.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference discussed the companion House Bill (349) to Senate Bill 174, in their original form, and determined that over the next five years the projected prison bed requirement will be 208 beds. This projected bed requirement equates to the following fiscal impact:

Fiscal Impact of HB 349 October, 1, 2006 Implementation Date						
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	FUNDS REQUIRED			
			Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2006-07	18	18	\$171,666	\$3,293,274	\$3,464,940	\$3,464,940
2007-08	83	65	\$978,640	\$2,045,900	\$3,024,540	\$6,489,480
2008-09	133	50	\$2,134,836	\$1,669,440	\$3,804,276	\$10,293,756
2009-10	173	40	\$3,087,846	\$1,491,420	\$4,579,266	\$14,873,022
2010-11	208	35	\$3,933,063	\$1,133,392	\$5,066,455	\$19,939,477
Total	208	208	\$10,306,051	\$9,633,426	\$19,939,477	\$19,939,477

Notes: It was assumed that incarceration rates for the affected attempted offenses would increase to the FY 04-05 levels for the same completed offenses and that the sentence length distribution for these additional admissions to prison would be the same as for those currently receiving a prison sentence.

Prepared by Office of Economic Demographic Research, January 9, 2006

It is not known at this time, what, if any, changes in fiscal impact would result from the changes to the original bill made by the Committee Substitute.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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