

## HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

<b>BILL #:</b>	CS/HB 611	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	Criminal Justice Subcommittee; Watson, C. and others	113 Y's	3 N's
<b>COMPANION BILLS:</b>	(CS/SB 400)	<b>GOVERNOR'S ACTION:</b>	Approved

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### SUMMARY ANALYSIS

CS/HB 611 passed the House on April 4, 2013, and subsequently passed the Senate on April 26, 2013.

Section 837.05(1), F.S., makes it a first degree misdemeanor, which is punishable by up to one year in county jail and a \$1,000 fine, for a person to knowingly give false information to a law enforcement officer concerning the alleged commission of any crime.

The bill amends s. 837.05(1), F.S., to make a second or subsequent violation a third degree felony if one of the following conditions is met:

- The information the person gave to the law enforcement officer was communicated orally and the officer's account of that information is corroborated by:
  - An audio recording or audio recording in a video of that information;
  - A written or recorded statement made by the person who gave that information; or
  - Another person who was present when that person gave that information to the officer and heard that information.
- The information the person gave to the law enforcement officer was communicated in writing.

The Criminal Justice Impact Conference met February 27, 2013, and determined the bill may have an insignificant negative impact on state prison beds. Because the bill makes second or subsequent violations of s. 837.05, F.S., a third degree felony if certain conditions are met (currently a misdemeanor), it may have an insignificant positive jail bed impact on local governments.

The bill was approved by the Governor on June 5, 2013, ch. 2013-117, L.O.F., and will become effective on October 1, 2013.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Current Situation

Section 837.05(1), F.S., makes it a first degree misdemeanor, which is punishable by up to one year in county jail and a \$1,000 fine,<sup>1</sup> for a person to knowingly give false information to any law enforcement officer concerning the alleged commission of any crime.<sup>2</sup>

#### Effect of the Bill

The bill amends s. 837.05(1), F.S., to make a second or subsequent violation a third degree felony<sup>3</sup> if one of the following conditions is met:

- The information the person gave to the law enforcement officer was communicated orally and the officer's account of that information is corroborated by:
  - An audio recording or audio recording in a video of that information;
  - A written or recorded statement made by the person who gave that information; or
  - Another person who was present when that person gave that information to the officer and heard that information.
- The information the person gave to the law enforcement officer was communicated in writing.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill does not appear to have any impact on state revenues.

#### 2. Expenditures:

The Criminal Justice Impact Conference met February 27, 2013, and determined the bill may have an insignificant negative impact on state prison beds.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill does not appear to have any impact on local government revenues.

#### 2. Expenditures:

The bill makes second or subsequent violations of s. 837.05, F.S., if certain conditions are met, a third degree felony rather than a first degree misdemeanor. This may have an insignificant positive jail bed impact on local governments.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

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<sup>1</sup> Sections 775.082 and 775.083, F.S.

<sup>2</sup> Section 837.05(2), F.S., makes it a third degree felony for anyone to give false information to a law enforcement officer concerning the alleged commission of a capital felony.

<sup>3</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

D. FISCAL COMMENTS:

None.