

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: April 14, 1998 Revised: _____

Subject: Robbery by Sudden Snatching

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Gomez</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill amends the robbery statute by adding “sudden snatching” to the elements which constitute robbery. The bill redefines robbery to include a taking of property with intent to deprive the owner, “when in the course of the taking there is use of force, a sudden snatching, violence, assault or putting in fear.”

The effect of the bill is to legislatively overrule the Florida Supreme Court’s opinion in *Robinson v. State*, 692 So.2d 883 (Fla. 1997). In *Robinson*, the court held that under the robbery statute, snatching or grabbing of property without resistance by the victim does not constitute robbery, but rather theft.

Consequently, the sudden snatching of any property from the person will be punished as a second degree-felony (15-year maximum prison sentence) or greater if the offender possessed a weapon. The increase in punishment from current law would depend on the value of the property stolen. Since the property value is not relevant under the robbery statute, the greatest increase will be in cases where the property value is under \$300, currently a petit theft misdemeanor offense.

This bill substantially amends the following section of the Florida Statutes: 812.13.

II. Present Situation:

A. Robbery

Robbery is the taking of money or other property (value is not relevant) from the person with the intent to temporarily or permanently deprive the person of the property when in the course of the taking there is the use of force, violence, assault, or putting in fear. s. 8123.13(1), F.S. If an

offender commits a robbery without a weapon or firearm (strong-arm robbery), it is a second-degree felony which carries a maximum 15-year prison sentence. If an offender commits a robbery with a non-deadly weapon, it is a first-degree felony which carries a maximum 30-year prison sentence. If an offender commits a robbery with a firearm or other deadly weapon, it is a first-degree felony punishable by up to life imprisonment.

The element that distinguishes robbery from theft is the taking from the person by means of force, violence, assault, or putting in fear. In *Robinson v. State*, 692 So. 2d 883 (Fla. 1997), the Florida Supreme Court held that “in order for the snatching of property from another to amount to robbery, the perpetrator must employ more than the force necessary to remove the property from the person. Rather, there must be resistance by the victim that is overcome by the physical force of the offender.” *Id.* at 886 (citations omitted).

As the *Robinson* Court stated: “Florida courts have consistently recognized that in snatching situations, the element of force as defined herein distinguishes the offense of theft and robbery.” *Id.* at 887 (citations omitted). For example, in *Goldsmith v. Smith*, 573 So. 2d 445 (Fla. 2d DCA 1991), the offender’s snatching of money from a person’s hand did not involve force sufficient to elevate the offense from petit theft to robbery.

By contrast, Georgia’s robbery statute expressly provides that robbery is the taking of property by “sudden snatching.” Ga. Code. Ann. s. 16-8-40 (1990). “Georgia case law interpreting this provision makes clear that to establish robbery by sudden snatching, no force must be exerted beyond the effort of the robber to transfer into his possession the property taken from the owner.” *Robinson*, at 887 (citations omitted).

B. Theft

Theft is the knowing use of another’s property with the intent to temporarily or permanently deprive the other of a right or benefit to the property or to appropriate the property to the offender’s own use. Theft is punished as grand theft or petit theft depending on the value of the property stolen. Generally, if the stolen property is valued over \$300, the theft is grand theft, a felony punished from third to first-degree, depending on the actual amount or other aggravating factors. Again, as a general rule, if the stolen property is valued under \$300, the theft is petit theft, either a first or second-degree misdemeanor, depending on the actual amount or other aggravating factors. A first degree misdemeanor is punished by up to a 1 year jail sentence, and a second-degree misdemeanor is punished by up to a 60-day jail sentence.

III. Effect of Proposed Changes:

This bill amends the robbery statute by adding “sudden snatching” to the elements which constitute robbery. The bill redefines robbery to include a taking of property with intent to deprive the owner, “when in the course of the taking there is use of force, **a sudden snatching**, violence, assault or putting in fear.”

The bill defines “sudden snatching” to mean taking property from the victim’s person when the victim was aware of the taking. Consequently, the stealthy taking of property even from the victim’s person (e.g., picking a person’s pocket), would remain a theft. However, the bill states that it is not necessary to show the following in order to prove “sudden snatching”:

- ▶ The offender used any force beyond that necessary to obtain the other’s property.
- ▶ There was resistance offered by the victim or injury to the victim.

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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 determined on April 3, 1998, that the prison bed impact of the House companion to this bill (HB 3263), would be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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