

crime. Evidence that the device was on the person's body when he or she committed a crime would be of itself insufficient to meet the elements of this criminal offense. For example, this offense could not be likened to the offense of wearing body armor while possessing a firearm and committing a robbery (s. 775.0846, F.S.), since the State in proving that offense is not required to prove that the body armor facilitated or furthered the commission of the robbery.

The bill takes effect July 1, 2001.

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:

An impact analysis to determine whether or not this bill would necessitate the need for more prison beds was requested from the Criminal Justice Estimating Conference but was not completed at the time of this analysis.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Orange County Sheriff's office has indicated that it does not take long for criminals to learn to exploit new technology for illicit purposes. The Sheriff's office cites as an example the action taken by the Florida Legislature to toughen penalties when law enforcement pointed out that pedophiles were using the Internet to lure child victims.

The Sheriff's office has indicated that a similar exploitation of new technology by criminals is taking place by criminals employing two-way radios to help commit auto theft, burglaries, and robberies. Drug dealers also use the technology. Criminals use the two-way radios to avoid detection by law enforcement and warn each other of the presence of law enforcement officers. The impact on law enforcement agencies from the use of this technology by criminals is that it furthers or facilitates the commission of criminal offenses. Additionally, the use of the radios may endanger law enforcement officers if the radios are used to conduct counter surveillance on law enforcement officers and prepare an ambush to hurt or kills officers.

Criminals can also use wireless communication technology in the same manner as radios.

VIII. Amendments:

#1 by Criminal Justice:

Provides that use of two-way wireless communications device to facilitate or further a felony is a third degree felony. (WITH TITLE AMENDMENT)

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