

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.)

BILL: SB 2336

SPONSOR: Senator Lynn

SUBJECT: Cargo Theft/Criminal Punishment Code

DATE: April 22, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	<u>Noble</u>	<u>Sadberry</u>	<u>ACJ</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 2336 amends the offense ranking chart of the Criminal Punishment Code to raise from Level 6 to Level 7 the offense of cargo theft where the property stolen is valued at less than \$50,000, and to raise from Level 7 to Level 8 the offense of cargo theft where the property stolen is valued at \$50,000 or more.

II. Present Situation:

Section 812.014(1), F.S., provides that a person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:

- (a) deprive the other person of a right to the property or a benefit from the property.
- (b) appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.

Section 812.014(2)(a)2., F.S., provides that if a person steals cargo valued at \$50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock, that person commits grand theft in the first degree, a first degree felony. This offense is ranked in Level 7 of the offense severity ranking chart of the Criminal Punishment Code.

Section 812.014(2)(b)2., F.S., provides that if a person steals cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock, that person commits grand theft in the second degree,

a second degree felony. This offense is ranked in Level 6 of the offense severity ranking chart of the Criminal Punishment Code.

III. Effect of Proposed Changes:

Senate Bill 2336 amends s. 921.002, F.S., the offense ranking chart of the Criminal Punishment Code, to raise from Level 6 to Level 7 the offense of cargo theft where the property stolen is valued at less than \$50,000. The effect of this change is that the lowest permissible sentence must be a prison sentence, absent mitigation.

The bill also raises from Level 7 to Level 8 the offense of cargo theft where the property stolen is valued at \$50,000 or more. The effect of this change is that it increases the lowest permissible sentence, which will increase the length of the prison sentence.

The bill also makes conforming changes to the ranking chart consistent with the amendment, and reenacts the relevant portion of the theft statute relating to cargo theft.

The bill takes effect July 1, 2003.

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:

A preliminary estimate by the Economic and Demographic Research Division of the Legislature is that SB 2336 is likely to have an insignificant prison bed impact.

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.
