

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB369                      Stolen Property Defense  
**SPONSOR(S):** Rep. Culp  
**TIED BILLS:** None                      **IDEN./SIM. BILLS:** SB 2008

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice (Sub)		Cole	De La Paz
2) Public Safety & Crime Prevention			
3) Judiciary			
4)			
5)			

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**SUMMARY ANALYSIS**

The bill provides for a more definitive inference of guilt for possession of stolen property if an individual is found to have property with clearly identifiable ownership markings on it.

The bill also creates a defense to this presumption if the person that was found to have the property can show that they either contacted the potential owner if the ownership information was “decipherable,” or contacted law enforcement if the ownership was not “decipherable,” in an attempt to determine whether the property was stolen.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0369.pscp.doc  
**DATE:** March 5, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. Empower families?                 | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain: N/A

#### B. EFFECT OF PROPOSED CHANGES:

S. 812.022 F.S. currently does not provide for a defense to dealing or possession of stolen property other than its possession must be satisfactorily explained.

The bill provides for a more definitive inference of guilt for possession of stolen property if an individual is found to have property with clearly identifiable ownership markings on it.

The bill provides for a way to negate the inference of guilt of possession of stolen property provided in S. 812.022 F.S., by allowing the purchaser to either notify the potential owner as determined by any decipherable markings on the equipment, or if the markings are not decipherable, by notifying law enforcement and attempting to ascertain if the item(s) were misappropriated or stolen.

#### C. SECTION DIRECTORY:

**Section 1:** Amends S. 812.022, F.S. as to inference of guilt and possible defense to possession of stolen property.

**Section 2:** Provides an effective date.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: See Fiscal Comments.

2. Expenditures: N/A

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: N/A

2. Expenditures: N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None

D. FISCAL COMMENTS: There does not appear to be any negative fiscal impact to state or local governments.

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: N/A

2. Other: N/A

B. RULE-MAKING AUTHORITY: N/A

C. DRAFTING ISSUES OR OTHER COMMENTS: N/A

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.