

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 483 Relating to Home Invasion Robbery
SPONSOR(S): Rep. Antone, Rep. McInvale (Co-Sponsor)
TIED BILLS: **IDEN./SIM. BILLS:** SB 2012

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice (Sub)	6 Y, 0 N	Maynard	De La Paz
2) Public Safety & Crime Prevention			
3) Public Safety Appropriations (Sub)			
4) Appropriations			
5)			

SUMMARY ANALYSIS

Currently under Florida Law, any form of home-invasion robbery, or a robbery where the offender enters a dwelling with the intent to commit a robbery is a first degree felony. Florida Statute 812.13(2) divides the crime of robbery into three separate offenses based on whether or how the defendant was armed during the offense. HB 483 would likewise divide home-invasion robbery into three separate offenses. The bill creates three new subsections out of Florida Statute 812.135(2). Subsection (2)(a) makes a home-invasion robbery, where the defendant carries a firearm or other deadly weapon, a life felony. Where the robber is armed with a weapon, Subsection (2)(b) punishes the offense as a first degree felony punishable by life imprisonment. Where the defendant is unarmed the person commits a felony of the first degree, under Subsection (2)(c)

HB 483 creates differing offense severity rankings for the new offenses. The bill amends Florida Statute 921.0022(3)(h) that lists the offense of home invasion robbery while unarmed, Subsection 2(c) of the bill, as a level eight offense. Because the other two offenses are not listed under the amended Offense Severity Ranking Chart, the default rankings based on the offense level would apply. Under Florida Statute 921.0023, the offense of home invasion robbery while carrying a firearm or deadly weapon in Subsection 2(a) would receive a offense severity ranking of level 10. Home invasion robbery while carrying a weapon under Subsection 2(b) would receive a ranking of level 9.

Though increasing significantly the penalties for types of home invasion robberies, the bill would likely have a minimal fiscal impact given the already high ranking given that offense.

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

STORAGE NAME: h0483a.ps.doc
DATE: March 13, 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:

B. EFFECT OF PROPOSED CHANGES:

Currently under Florida Law, any form of home-invasion robbery, or a robbery where the offender enters a dwelling with the intent to commit a robbery, and does commit the robbery, is a first degree felony. The law makes no distinction between home-invasion robberies where the defendant is armed with a gun or other deadly weapon and where the defendant is unarmed. Also, under the Offense Ranking Chart of the Criminal Punishment Code in Florida Statute 921.0022(3)(h), home-invasion robbery is listed as a level 8 offense.

This is not the case with the offense of robbery as defined in 812.13(2). There are currently three offenses under this subsection, each one carrying greater punishments based on the defendant's possession of weapons or lack thereof during the offense. Under the current scheme, however, a person armed with a deadly weapon during a home invasion robbery may face the same punishment that an unarmed robber on the street would face, since both are first degree felonies.

HB 483 would, as is currently the case with the robbery statute, divide home-invasion robbery into three separate offenses based on how or whether the defendant was armed. The bill creates three new subsections out of Florida Statute 812.135(2). Subsection (2)(a) makes a home-invasion robbery, where the defendant carries a firearm or other deadly weapon, a life felony. Where the robber is armed with a weapon, Subsection (2)(b) punishes the offense as a first degree felony punishable by life imprisonment. Where the defendant is unarmed the person commits a felony of the first degree, under Subsection (2)(c)

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C. SECTION DIRECTORY:

Section 1. Creates three new subsections in Florida Statute 812.135(2) which divide the offense of home-invasion robbery into three separate offenses.

Section 2. Reenacts Florida Statute 943.325(2) for the purposes of incorporation.

Section 3. Amends the Offense Severity Ranking Chart in Florida Statute 921.0022 to specify the offense of home-invasion robbery while unarmed as a level 8 offense.

Section 4. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments

2. Expenditures:

See Fiscal Comments

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments

2. Expenditures:

See Fiscal Comments

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments

D. FISCAL COMMENTS:

The Criminal Justice Estimating Conference has not met to determine the fiscal impact of this bill. Although the bill would increase the penalties for certain types of home invasion robbery, and therefore would increase the number of defendants being sentenced to prison terms as well as the length of those terms, as has already been noted home invasion robbery is already a Level 8 on the Offense Severity Ranking Chart. Because of this relatively high ranking, the fiscal impact of this bill is expected to be minimal.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

At the Subcommittee for Criminal Justice on March 13, 2003, a strike-all amendment was favorably voted which changed the offense degrees for the three new offenses created by the bill. The strike-all amendment changed the offense of home-invasion with a firearm or deadly weapon from a life felony to a first degree felony punishable by life. The amendment changed the offense of home invasion robbery with a weapon from a first degree felony punishable by life to a first degree felony. Under the amendment, the offense of home invasion robbery remains a first degree felony as under the bill. Also the offense levels assigned to the new offenses under the amendment remain the same as those in the original bill, but instead of depending on the default provision under Florida Statute 921.0023, the actual Offense Severity Ranking Chart under Florida Statute 921.0022 is amended to include the newly-created offenses.