

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 759 False Reports to Law Enforcement Officers

SPONSOR(S): Criminal Justice Subcommittee; Hager

TIED BILLS: None **IDEN./SIM. BILLS:** SB 302

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	14 Y, 0 N, As CS	Williams	Cunningham
2) Justice Appropriations Subcommittee	12 Y, 0 N	McAuliffe	Jones Darity
3) Judiciary Committee			

SUMMARY ANALYSIS

Section 837.05(1), F.S., makes it a first degree misdemeanor for a person to knowingly give false information to a law enforcement officer concerning the alleged commission of any crime.

The bill amends s. 837.05(1), F.S., to make a second or subsequent violation a third degree felony.

On December 14, 2011, the Criminal Justice Impact Conference met and determined that due to the unknown number of persons convicted of second or subsequent violations of s. 837.05(1), F.S., the prison bed impact of the bill is indeterminate.

The bill is effective October 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 837.05(1), F.S., makes it a first degree misdemeanor¹ for a person to knowingly give false information to a law enforcement officer (LEO) concerning the alleged commission of any crime.²

Effect of the Bill

The bill amends s. 837.05(1), F.S., to make a second or subsequent violation a third degree felony.³

B. SECTION DIRECTORY:

Section 1. Amends s. 837.05, F.S., relating to false reports to law enforcement authorities.

Section 2. Provides an effective date of October 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state government revenues.

2. Expenditures:

The bill increases the penalty for second or subsequent violations of s. 837.05(1), F.S., from a first degree misdemeanor to a third degree felony. On December 14, 2011, the Criminal Justice Impact Conference determined that due to the unknown number of persons convicted of second or subsequent violations of s. 837.05(1), F.S., the prison bed impact of the bill is indeterminate. However, the bill increases penalties to an unranked third degree felony, therefore the prison bed impact will not likely be significant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill increases the criminal penalty for second or subsequent violations of s. 837.05(1), F.S., from a first degree misdemeanor to a third degree felony. To the extent that offenders who are convicted of the third degree felony offense and are sentenced to prison rather than county jail, the bill may have a positive jail bed impact on local governments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

¹ A first degree misdemeanor is punishable by up to one year in county jail and a maximum \$1,000 fine. Sections 775.082 and 775.083, F.S.

² Section 837.05(2), F.S., makes it a third degree felony for a person to knowingly give false information to a LEO concerning the alleged commission of a capital felony.

³ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 12, 2012, the Criminal Justice Subcommittee adopted one strike-all amendment and reported the bill favorably as a committee substitute. The amendment corrected a drafting error to clarify that a person convicted of knowingly giving false information to an LEO concerning the alleged commission of a capital felony, commits a *third degree felony* and not a misdemeanor.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.