

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/CS/HB 947 (CS/SB 1272)	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Judiciary Committee; Criminal Justice Subcommittee; Boyd and others (Criminal Justice and Latvala)	116 Y's	0 N's
COMPANION BILLS:	CS/SB 1272	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

CS/CS/HB 947 passed the House on February 29, 2012, and subsequently passed the Senate on March 9, 2012.

The bill amends s. 775.087(2)(a)1., F.S. (relating to possession or use of weapon; aggravated battery; felony reclassification; minimum sentence), to specify that a person must be sentenced to a 10-year minimum mandatory sentence if:

- The person was convicted of "possession of a firearm by a felon" and during the course of committing the offense the person possessed a firearm or destructive device; and
- The person has a previous conviction for a felony listed in s. 775.084(1)(b)1., F.S. (or an attempt thereof) and actually possessed a firearm or destructive device during the commission of such offense.

The Criminal Justice Impact Conference determined that this bill will have an insignificant impact on state prison beds.

The bill was approved by the Governor on April 6, 2012, ch. 2012-74, Laws of Florida. The effective date of the bill is July 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

Section 775.087(2)(a)1., F.S., part of Florida's "10-20-Life Law," requires a 10-year minimum mandatory sentence be imposed on persons convicted of the following felony offenses, regardless of whether the use of a firearm is an element of the felony, if during the course of committing the felony the person possessed a firearm or destructive device:¹

- Murder;
- Sexual battery;
- Robbery;
- Burglary;
- Arson;
- Aggravated assault;
- Aggravated battery;
- Kidnapping;
- Escape;
- Aircraft piracy;
- Aggravated child abuse;
- Aggravated abuse of an elderly person or disabled adult;
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Carjacking;
- Home-invasion robbery;
- Aggravated stalking;
- Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1), F.S.; and
- Possession of a firearm by a felon.

That same section of statute exempts persons convicted of the following offenses from the above-described 10-year minimum mandatory sentence and instead requires a 3-year minimum mandatory sentence:

- Burglary of a conveyance;
- Aggravated assault; and
- Possession of a firearm by a felon.²

Effect of the Bill

The bill amends s. 775.087(2)(a)1., F.S., to specify that a person may not be sentenced to the above-described 3-year minimum mandatory sentence, and must instead be sentenced to the 10-year minimum mandatory sentence if:

- The person was convicted of "possession of a firearm by a felon" and during the course of committing the offense the person possessed a firearm or destructive device; and
- The person has a previous conviction for a felony listed in s. 775.084(1)(b)1., F.S. (or an attempt thereof)³ and actually possessed a firearm or destructive device during the commission of such offense.

¹ Section 790.001(6) and (4), F.S., defines the terms "firearm" and "destructive device."

² Section 775.087(2)(a)1., F.S.

³ Section 775.084(1)(b)1., F.S., provides the following list of felony offenses: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; aggravated assault with a deadly weapon; murder; manslaughter;

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 revenues.

2. Expenditures:

The Criminal Justice Impact Conference determined that this bill will have an insignificant impact on state prison beds.

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 does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing, placing, or discharging of a destructive device or bomb; armed burglary; aggravated battery; and aggravated stalking.

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

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