

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 611 False Reports to Law Enforcement Officers

SPONSOR(S): Criminal Justice Subcommittee; Watson, C. and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 400

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	13 Y, 0 N, As CS	Jones	Cunningham
2) Justice Appropriations Subcommittee	13 Y, 0 N	McAuliffe	Jones Darity
3) Judiciary Committee	15 Y, 0 N	Jones	Havlicak

SUMMARY ANALYSIS

Section 837.05(1), F.S., makes it a first degree misdemeanor, which is punishable by up to one year in county jail and a \$1,000 fine, 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 if one of the following conditions is met:

- The information the person gave to the law enforcement officer was communicated orally and the officer's account of that information is corroborated by:
 - An audio recording or audio recording in a video of that information;
 - A written or recorded statement made by the person who gave that information; or
 - Another person who was present when that person gave that information to the officer and heard that information.
- The information the person gave to the law enforcement officer was communicated in writing.

The Criminal Justice Impact Conference met February 27, 2013 and determined the bill may have an insignificant negative impact on state prison beds. Because the bill makes second or subsequent violations of s. 837.05, F.S., a third degree felony if certain conditions are met, (currently a misdemeanor) it may have an insignificant positive local jail bed impact.

The bill is effective on October 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 837.05(1), F.S., makes it a first degree misdemeanor, which is punishable by up to one year in county jail and a \$1,000 fine,¹ for a person to knowingly give false information to any law enforcement 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 felony³ if one of the following conditions is met:

- The information the person gave to the law enforcement officer was communicated orally and the officer's account of that information is corroborated by:
 - An audio recording or audio recording in a video of that information;
 - A written or recorded statement made by the person who gave that information; or
 - Another person who was present when that person gave that information to the officer and heard that information.
- The information the person gave to the law enforcement officer was communicated in writing.

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, 2013.

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 met February 27, 2013 and determined the bill may have an insignificant negative 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 makes second or subsequent violations of s. 837.05, F.S., if certain conditions are met, a third degree felony rather than a first degree misdemeanor. This may have an insignificant positive jail bed impact on local governments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

¹ Sections 775.082 and 775.083, F.S.

² Section 837.05(2), F.S., makes it a third degree felony for anyone to give false information to a law enforcement officer 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.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The 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 March 5, 2013, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment makes second or subsequent violations of s. 837.05(1), F.S., a third degree felony if certain conditions are met.

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