

STORAGE NAME: h3279s1.cp

DATE: March 12, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIME AND PUNISHMENT
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3279

RELATING TO: Offenses Involving the Obstruction Of Law Enforcement

SPONSOR(S): Crime and Punishment Committee, Reps. Betancourt and Heyman

COMPANION BILL(S): SB 782 (similar)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CRIME AND PUNISHMENT YEAS 8 NAYS 0
- (2) CIVIL JUSTICE AND CLAIMS
- (3) CRIMINAL JUSTICE APPROPRIATIONS
- (4)
- (5)

I. SUMMARY:

Section 843.08, F.S., prohibits any person from personating a law enforcement officer, and classifies the offense into three categories depending upon the circumstances in which the offense was committed.

The bill reclassifies the offense of personating a law enforcement officer to the next higher felony degree, for each of the three categories.

Section 843.081, F.S., punishes the unauthorized use of a flashing blue light as a 1st-degree misdemeanor. **The bill reclassifies the offense as a 3rd-degree felony.**

The bill provides an effective date of October 1, of the year in which enacted.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Falsely Personating An Officer

Section 843.08, F.S., prohibits any person from falsely assuming or pretending to be a:

- sheriff;
- officer of the Florida Highway Patrol;
- officer of the Game and Fresh Water Fish Commission;
- officer of the Department of Environmental Protection;
- officer of the Department of Transportation;
- officer of the Department of Corrections;
- correctional probation officer;
- deputy sheriff;
- state attorney or assistant state attorney;
- statewide prosecutor or assistant statewide prosecutor;
- state attorney investigator;
- coroner;
- police officer;
- lottery special agent or lottery investigator;
- beverage enforcement agent or watchman;
- any member of the Parole Commission and any administrative aide or supervisor employed by the commission, and;
- any personnel or representative of the Department of Law Enforcement.
- officer of the Department of Insurance.

Penalties For Falsely Personating An Officer

Falsely personating an officer is divided into three categories, depending upon the circumstances in which it was committed, as follows:

Falsely personating an officer -- 3rd-degree felony (up to 5-years prison)
(not during commission of
a felony)

Falsely personating an officer -- 2nd-degree felony (up to 15-years prison)
(during commission of
a felony)

Falsely personating an officer -- 1st-degree felony (up to 30-years prison)
(during commission of a felony
resulting in injury or death)

Unauthorized Use Of Flashing Blue Light

Section 843.081, F.S., prohibits any person from using a flashing or rotating, blue light unless such person is an official law enforcement officer. The offense is punishable as a 1st-degree misdemeanor (up to 1-year in jail).

B. EFFECT OF PROPOSED CHANGES:

Reclassifies Offenses To Next Higher Felony Level

The bill reclassifies the offense for falsely personating an officer to the next higher degree. The new classifications are as follows:

Falsely Personating An Officer -- from 3rd-degree to 2nd-degree felony

Falsely Personating An Officer -- from 2nd-degree to 1st-degree felony
(during commission of a felony)

Falsely Personating An Officer -- from 1st-degree to 1st-degree, punishable by
(during commission of a felony) life
resulting in injury or death)

The bill reclassifies the offense of unauthorized use of a flashing blue light to the next higher degree. The new classification is as follows:

Use Of Flashing Blue Light -- from 1st-degree misdemeanor to 3rd-degree
felony

Effective Date

The bill provides an effective date of October 1, of the year in which enacted. The bill specifically declares the bill applicable to offenses committee after that date.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

ss. 843.08, 843.081, 921.0022

E. SECTION-BY-SECTION RESEARCH:

Section 1: Reclassifies each offense in s. 843.08 to next higher felony level.

Section 2: Reclassifies s. 843.081 to 3rd-degree felony level.

Section 3: Incorporates the new penalties into s. 921.0022, by reference.

Section 4: Provides an effective date.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See, Comments.

2. Recurring Effects:

See, Comments.

3. Long Run Effects Other Than Normal Growth:

See, Comments.

4. Total Revenues and Expenditures:

See, Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See, Comments.

2. Recurring Effects:

See, Comments.

3. Long Run Effects Other Than Normal Growth:

See, Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

See, Comments.

2. Direct Private Sector Benefits:

See, Comments.

3. Effects on Competition, Private Enterprise and Employment Markets:

See, Comments.

D. FISCAL COMMENTS:

As of the publishing of this research statement, the Criminal Justice Estimating Conference has not met to review this bill. However, it should be assumed that increasing the various offenses to the next higher felony level will result in overall longer prison sentences for those persons convicted of these offenses. Persons convicted of unauthorized use of a flashing blue light, a misdemeanor, are not currently facing a prison sentence, at all. Those convicted under the bill may be eligible for a prison sentence, depending upon their prior record.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Because the bill affects a criminal statute, it is exempt from the provisions of Article VII, Section 18.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce anyone's revenue raising authority.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the state tax shared with counties and municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The bill passed through the Crime & Punishment Committee on March 5, 1998, with a unanimously favorable vote. There was one amendment which added officers of the Department of Insurance to the category of law enforcement officers. The bill was made into a CS.

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VII. SIGNATURES:

COMMITTEE ON CRIME AND PUNISHMENT:

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