

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 154

SPONSOR: Criminal Justice Committee and Senator Sebesta

SUBJECT: Trespass on School Grounds or Facility

DATE: January 20, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>FP</u>	<u>Withdrawn</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The Committee Substitute (CS) for Senate Bill 154 creates the offense of trespass upon the grounds or facilities of a private school by amending the statute and its title to refer to all schools, public or nonpublic. It also clarifies some of the section's current language without changing its substantive meaning.

This CS substantially amends, creates, or repeals the following section of the Florida Statutes: 228.091.

II. Present Situation:

Section 228.091, F.S., provides for the offense of trespass on the grounds or facilities of a public school as follows: (1) it is a second degree misdemeanor if a person trespasses on the grounds or facilities of the school; and (2) it is a first degree misdemeanor if the school's chief administrative officer directs the trespasser to leave the school and the trespasser refuses. This section applies only to public schools, and presently, the Florida Statutes do not specifically provide for an offense of trespass on the grounds or facilities of a private school.

III. Effect of Proposed Changes:

The CS would transfer and renumber the public school trespass statute, s. 228.091, F.S., to s. 810.097, F.S. Chapter 810 is entitled, "Burglary and Trespass."

The CS would create the offense of trespass on the grounds or facilities of a private school by deleting all references to "public" within s. 228.091, F.S., and by defining the term "school" to mean, "the grounds or facility of any nursery or pre-kindergarten school, kindergarten, elementary school, middle school, junior high school, or secondary school, whether public or nonpublic." The CS's proposed definition of school is consistent with other statutory definitions of school.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The December 18, 1998 Criminal Justice Impact Conference determined that this CS will not result in prison bed impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.