

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 246

SPONSOR: Senators Saunders and Fasano

SUBJECT: Leaving the Scene of Accident/Penalty

DATE: January 31, 2003

REVISED: 03/24/03 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	<u>ACJ</u>	_____
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 246 changes the ranking of the offense of leaving the scene of an accident involving a death from a Level 6 offense to a Level 7 offense in the offense severity ranking chart of the Criminal Punishment Code. The effect of this change is that the lowest permissible sentence for this offense will be a prison sentence, even for the first-time offender, unless there is a ground for sentence mitigation.

This bill substantially amends s. 921.0022, F.S.

II. Present Situation:

Section 316.027(1)(b), F.S., provides that leaving the scene of an accident involving a death is a second degree felony. The maximum penalty for a second degree felony is 15-years imprisonment.

Leaving the scene of an accident involving a death is ranked in Level 6 of the offense severity ranking chart of the Criminal Punishment Code. Assuming a first-time offender is convicted only of this Level 6 offense, the lowest permissible sentence would be a non-prison sanction. The sentencing range would be the non-prison sanction up to, and including, 15-years imprisonment.

III. Effect of Proposed Changes:

Senate Bill 246 changes the ranking of the offense of leaving the scene of an accident involving a death from a Level 6 offense to a Level 7 offense in the offense severity ranking chart of the Criminal Punishment Code. The effect of this change is that the lowest permissible sentence for this offense will be a prison sentence, even for the first-time offender, unless there is a ground for sentence mitigation.

“For example, assuming a first-time offender and assuming only this offense is being scored (i.e., no additional offenses, points enhancers, or points multipliers), the lowest permissible sentence would be approximately 21 months in prison, if the level ranking of the offense was changed from Level 6 to Level 7 (as a Level 6 offense, the lowest permissible sentence would be a nonprison sanction), unless there is a ground for sentence mitigation. In this example, where the offense is a Level 7 offense, the sentencing range would be 21-months imprisonment up to, and including, 15-years imprisonment.”

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 Criminal Justice Impact Conference has determined SB 246 is likely to have an insignificant prison bed impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
