

78-348

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HB 1068 by Richard

Providing a mandatory fine for second convictions of petit theft from a merchant

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Other Committees of Reference

Appropriations

I. Statement of the Problem

Introducer apparently believes that additional measures are needed to control retail theft.

II. Facts Bearing on the Problem

A. Statutes Affected

Section 812.015, Florida Statutes, would be created. Section 901.34, Florida Statutes, (dealing with retail theft) would be transferred to the newly created section.

B. Legislative Intent

Adequately expressed.

C. Other

On page 3, lines 11-14, of the bill, new language is added which has not been underlined.

III. Discussion

See section V, below.

IV. Constitutionality

The bill appears constitutional.

V. Probable Consequences of the Bill

The terms "merchandise," "merchant," "value of merchandise" would be defined. Upon second or subsequent conviction for petit theft

of merchandise taken from a merchant, in addition to already existing provisions, the offender would be fined not less than \$50 or more than \$1,000. The court could require the offender to perform public services in lieu of payment of the fine.

Fines collected under this section may be allocated by the county at any amount not exceeding 50% to the superintendent of the local school district. These funds would be used to finance public school programs to discourage shoplifting, theft, etc.

Current section 901.34, Florida Statutes, (dealing with retail theft) would be transferred to the new section. The only new language provides that a peace officer be called to the scene immediately after a person has been taken into custody by a merchant (page 3, lines 11-14).

VI. Fiscal Impact

Some provision would have to be made for supervision and administration of those programs where the offender is required to work off the fine by doing public service work.

VII. Economic Impact

None apparent

L/p