

1989

## Session Law 89-312

Florida Senate & House of Representatives

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**H 748 GENERAL BILL** by M. Diaz-Balart; Juri; L. Diaz-Balart and others (Identical S 1028)

**Short-barrel Rifle/Shotgun/Mach. Gun:** provides mandatory minimum term of imprisonment for unlawful possession of short-barreled rifle, short-barreled shotgun or machine gun. Amends 790.221. Effective Date: 10/01/89.

03/13/89 HOUSE Prefiled

03/14/89 HOUSE Referred to Criminal Justice; Appropriations

03/31/89 HOUSE Subreferred to Subcommittee on Prosecution and Punish-  
ment

04/04/89 HOUSE Introduced, referred to Criminal Justice; Appropriations  
-HJ 74; Subreferred to Subcommittee on Prosecution and  
Punishment; On subcommittee agenda—Criminal Justice,  
04/06/89, 8:00 am, 16-HOB—If not heard on 04/06, will be  
heard on 04/07

04/07/89 HOUSE Subcommittee Recommendation: Favorable

04/11/89 HOUSE On Committee agenda—Criminal Justice, 04/13/89, 8:00  
am, 21-HOB

04/13/89 HOUSE Preliminary Committee Action by Criminal Justice: Favor-  
able

04/20/89 HOUSE Comm. Report: Favorable by Criminal Justice -HJ 258;  
Now in Appropriations -HJ 258

04/24/89 HOUSE Subreferred to Subcommittee on Criminal Justice

05/22/89 HOUSE Withdrawn from Appropriations -HJ 556; Placed on Cal-  
endar

05/25/89 HOUSE Placed on Special Order Calendar; Read second time; Read  
third time; Passed; YEAS 109 NAYS 3 -HJ 647

05/26/89 SENATE In Messages

05/30/89 SENATE Received, referred to Judiciary-Criminal; Appropriations  
-SJ 562

06/02/89 SENATE Withdrawn from Judiciary-Criminal; Appropriations;  
Placed on Special Order Calendar -SJ 972; Passed;  
YEAS 35 NAYS 0 -SJ 1234

06/02/89 Ordered enrolled

06/20/89 Signed by Officers and presented to Governor

07/05/89 Approved by Governor; Chapter No. 89-312

**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

\*\*AS PASSED BY THE 1989 LEGISLATURE\*\*

STORAGE NAME: h0748a.cj

DATE: June 30, 1989

HOUSE OF REPRESENTATIVES  
COMMITTEE ON CRIMINAL JUSTICE  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 748

RELATING TO: Short-Barrel Rifle/Shotgun/Machine Gun

SPONSOR(S): Representatives M. Diaz-Balart, Juri, and L. Diaz-Balart

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: July 5, 1989

CHAPTER #: 89-312, Laws of Florida

COMPANION BILL(S): SB 1028

OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2)

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I. SUMMARY:

A. PRESENT SITUATION:

Currently s. 790.221 F. S., makes it unlawful for any person to own or to have in his possession any short-barreled rifle, shotgun, or machine gun which is readily operable. A person convicted of this offense is guilty of a felony punishable by imprisonment not to exceed five years. A felony of an unspecified degree is a third degree felony.

Section 790.221 F. S., does not apply to antique firearms, or firearms which are lawfully owned and possessed under provisions of federal law.

B. EFFECT OF PROPOSED CHANGES:

HB 748 makes it a second degree felony for any person to own or to have in his care or possession, any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may be, readily operable. Once convicted under this section, HB 748 provides for a mandatory minimum sentence of five years.

Antique firearms, or firearms which are lawfully owned and possessed under provisions of federal law remain exempted from this section.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 creates a second degree felony for possession of

specified firearms punishable with a mandatory minimum term of five years.

Section 2 provides an effective date of October 1, 1989.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

Indeterminate

4. Appropriations Consequences:

Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

Indeterminate

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

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

None

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D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

This bill is consistent with the State Comprehensive Plan, s. 187.021, F. S., as its goal is the protection of the public by preventing, discouraging, and punishing criminal behavior.

IV. COMMENTS:

HB 748 requires imposing a mandatory minimum term of five years imprisonment for violations of s. 790.22 F. S., however, it does not specifically prohibit the award of gain-time. Therefore, a person sentenced under this section would be eligible to receive gain-time pursuant to s. 944.275.

This bill is consistent with the Committee Mission Statement in that it enables the Criminal Justice System to operate effectively and responsibly.

This bill is also consistent with the Policy Statement in that it makes mandatory incarceration time for offenders who commit crimes with guns.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

  
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Robin S. Hassler

Staff Director:

  
\_\_\_\_\_  
Robin S. Hassler

SECOND COMMITTEE OF REFERENCE:

Prepared by:

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Staff Director:

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APPROPRIATIONS:

Prepared by:

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Staff Director:

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