



*Bill
McCollum*

A Guest Article from Florida's **Attorney General**

Legislation To Help Law Enforcement

Each year during the legislative session, the Attorney General's Office has the opportunity to suggest, develop and sponsor legislation. I am particularly proud of several bills which passed during the 2008 Legislative Session that were priorities of mine. With the help of our legislative sponsors and leaders, we gave victims of Florida-based child pornography a voice in court and the right to substantial civil penalties against perpetrators; provided Florida homeowners extra protection against mortgage foreclosure fraud; and enhanced penalties against individuals who manufacture or sell counterfeit products.

Another substantial piece of legislation I supported is a bill which significantly strengthens anti-gang measures. There is no denying that Florida has a gang problem. Dangerous street gangs commit murder, armed robberies, retaliatory arson, and aggravated battery throughout the state. Many of these gangs are currently being investigated by the Statewide Grand Jury and, with the help of Florida's law enforcement community, prosecuted by my Office of Statewide Prosecution as well as state attorneys. Yet our crime-fighters need better, tougher laws to assist them.

The new comprehensive anti-gang legislation will assist Florida's citizens in taking back their neighborhoods. The bill creates a gang kingpin statute that will allow courts to sentence major gang leaders to life in prison – a key recommendation from the Statewide Grand Jury. The bill also makes it a third-degree felony to recruit a person into a criminal street gang and it strengthens witness protection laws, requiring gang members to be held in custody until their first appearance before a judge to request bond. It defines gangs or identified gang members engaged in criminal activity as a public nuisance, subject to civil injunctions against meeting or engaging in further criminal behavior.

The anti-gang legislation also modernizes Florida's criminal racketeering laws, allowing prosecutors to target street gangs as organized criminal businesses. Gangs operate on a sophisticated level that rivals corporate structures as they traffic drugs and weapons and even engage in human trafficking. Like a business seeking to develop a recognizable name, gangs use their own brands and signs, including graffiti, tattoos and clothing, to build gang loyalty and to hold neighborhoods hostage. We must be just as organized, determined and methodic in our efforts to stop the spread of gangs and to dismantle these groups of dangerous felons.

In addition to these new anti-gang measures, I also supported a bill that targets the criminals who grow marijuana for profit. Marijuana is the most popular illegal

drug in America and the most alarming aspect of marijuana's resurgence is its potency. Some of the marijuana grown today in Florida has tested above 20 percent THC content – the chemical which produces the high and causes physiological problems – and that chemical content continues to rise through plant cloning by growers.

Marijuana grow houses specializing in hydroponic marijuana have been detected in 41 of Florida's 67 counties, and Florida had the second-highest number of grow house seizures in the country in 2006. Marijuana is so lucrative that grow houses are popping up in some of the most affluent neighborhoods in the state. These "Marijuana McMansions" are home to multi-million dollar growing operations, as was evidenced recently with a statewide operation that took down more than 140 houses and seized more than \$41.6 million worth of marijuana.

The Marijuana Grow House Eradication Act creates a tough new penalty for those who grow 25 plants or more, specifically targeting for-profit growers who exploit Florida's current standards of 300 plants and the federal threshold of 100 plants to

avoid prison time. Additionally, the bill creates a new penalty against those who own a house for the purpose of cultivating marijuana or who are operating a grow house with a child present, as well as a new penalty for those who live in or are the caretakers of marijuana grow houses.

One of the most substantial benefits to law enforcement under this new bill is the ability to introduce photographs or video recordings of evidence rather than requiring law enforcement to bring the actual grow house equipment into court. With the complicated electrical components and unwieldy equipment so commonly seized during grow house raids, storage locations and costs have placed a huge burden on the agencies that take down these operations, and this bill resolves that financial obligation. It further provides immunity from civil liability to law enforcement for the destruction of the grow house equipment.

As your Attorney General, keeping our communities, neighborhoods and streets safe is my top priority. We are making progress in our overall strategy of stopping, and eventually reversing, the growth of gangs and gang violence, and I look forward to working with leaders in our state to develop prevention solutions that complement our law enforcement efforts. We are also targeting the organized rings of marijuana grow houses, often run by criminal gangs and frequently the catalyst for violent crime in the surrounding areas. Together with our state's law enforcement community, we will continue these initiatives which are vital to the wellbeing of Florida, its residents, and its guests. ■

"...our crime-fighters need better, tougher laws to assist them."

A boy and his father are playing with toy cars, the father has the police car and pretends to pull over the car that the boy is playing with. "Do you have a driver's license?" asks the father. "No," says the boy. "Are you resisting arrest?" he asks in a stern voice. The boy hesitates before he says, "No... I'm just not sleepy yet."

The Top Ten signs your identity has been stolen

1. You're 86 years old and you received a bill for \$10,000 worth of sex toys.
2. You were buying Junior a gift on eBay and you noticed that your house is listed for sale.
3. You have a half-decent credit rating.
4. You got a call asking when you want the pool installed, but you live in an apartment.
5. You went from being broke to being "broken."
6. You tried to pay for the groceries with a credit card and they called in the SWATs.
7. Your wife just served you with divorce papers and you don't remember getting married.
8. You once bought something on the internet.
9. You get a post card from yourself that says, "Wish you were here!"
10. You're wanted in Mexico and you've never left Orlando.



State Law Enforcement Officers Chapter Vice President Chris Kirkland, Attorney General McCollum and State Law Enforcement Officers Chapter President Matt Tyre meeting to discuss proposed legislation affecting law enforcement.