

STORAGE NAME: h0103Ba.sec.doc

DATE: October 29, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
SELECT COMMITTEE ON SECURITY
ANALYSIS**

BILL #: HB 103-B

RELATING TO: Terrorism

SPONSOR(S): Representative(s) Goodlette & others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

(1) SELECT COMMITTEE ON SECURITY YEAS 11 NAYS 0

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I. SUMMARY:

This bill creates a definition of the term "terrorism."

The bill provides that a terrorist act involves a violent act or an act dangerous to human life that is a violation of the criminal laws of Florida or federal law, and is an act that appears to be intended to: 1) intimidate, injure, or coerce a civilian population; or 2) influence the policy of a government by intimidation or coercion; or 3) affect the conduct of government through destruction of property, assassination, murder, or kidnapping.

The bill takes effect upon becoming law.

The bill has been amended. Please refer to Section VI, Amendments or Committee Substitute Changes.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Presently there is no state definition for the term "terrorism." The federal USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) signed into law on October 26, 2001 defines domestic terrorism in Title 18 USC § 2331 as follows:

- (5) the term `domestic terrorism' means activities that--
 - (A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;
 - (B) appear to be intended--
 - (i) to intimidate or coerce a civilian population;
 - (ii) to influence the policy of a government by intimidation or coercion; or
 - (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping. . . .

C. EFFECT OF PROPOSED CHANGES:

This bill defines "terrorism" in the state of Florida. This bill is nearly identical to federal law with a few exceptions. In this bill, the act must be a violent act *or* an act dangerous to human life that is a violation of existing state or federal law. The federal law does not specifically mention violent acts. This bill addresses acts that appear to be intended to injure, but the federal law does not specifically address whether an act must appear to be intended to injure.

By defining "terrorism" consistent with federal law, the state would have the benefit of federal case law interpreting the federal definition, which might be viewed as persuasive authority in interpreting the Florida definition. Certain Florida laws that are patterned after federal law, such as Florida's wiretap laws, money-laundering laws, and racketeering laws, benefit from definitions that closely follow federal definitions.

This bill takes effect upon becoming law.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Amendment 1 clarifies the intent requirement in the definition of terrorism by eliminating the language "appears to be intended to." This language is replaced with "is intended to." The amendment also adds the offense of aircraft piracy to the list of criminal offenses in subsection (2)(c), which qualify the conduct as terrorism if it is designed to affect the conduct of government. This amendment was adopted at the October 29, 2001 committee meeting, and is traveling with the bill.

VII. SIGNATURES:

COMMITTEE ON SELECT COMMITTEE ON SECURITY:

Prepared by:

Staff Director:

Randy L. Havlicak

Tom Randle / Richard Hixson