

STORAGE NAME: h0117Ba.sec.doc
DATE: October 29, 2001

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

BILL #: HB 117-B
RELATING TO: Poisoning
SPONSOR(S): Representative Goodlette and others

TIED BILL(S):

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

- (1) SELECT COMMITTEE ON SECURITY YEAS 12 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

House Bill 117-B amends s. 859.01, F.S., to redefine the first degree felony offense to apply to any person who, with the intent to kill or injure another person, introduces adds, or mingles any poison, bacteria, virus, or chemical compound with food, drink, or medicine. Also included in the redefinition of the first degree felony offense is the willful poisoning, or introducing, adding, or mingling of any bacteria, virus, or chemical compound in any spring, well, or reservoir of water with the intent to kill or injure another person.

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:

Section 859.01, F.S., presently provides that it is a first degree felony for a person, with intent to kill or injure another person, to mingle any poison with food, drink, or medicine or willfully poison any spring, well, or reservoir of water.

C. EFFECT OF PROPOSED CHANGES:

The amends the current criminal (first degree felony) prohibition against poisoning food or water to assure that prosecutions are not limited by a narrow interpretation of the word "poison."

Current law provides that it is a first-degree felony:

- To "mingle" any poison with food, drink, or medicine with intent to kill or injure, or
- To willfully "poison" any spring, well, or water reservoir with intent to kill or injure.

The new language closes several potential gaps in the law. Under the new language, it would be a first-degree felony:

- To introduce, add, or mingle any "poison" or any bacteria, virus, or chemical compound with any food, drink, or medicine with the intent to kill or injure, or
- To willfully poison or introduce, add, or mingle any bacteria, virus, or chemical compound with any spring, well, or water reservoir with the intent to kill or injure.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends Section 859.01, F.S. as described under Effect of Proposed Changes section.

Section 2: Amends Section 921.0022 to make conforming changes to the Offense Severity Ranking Chart of the Criminal Punishment Code.

Section 3: Provides that the bill is effective upon becoming a law.

II. 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

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

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

This bill does not reduce any state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On October 29, 2001, the Select Committee on Security adopted an amendment expanding the scope of the bill to cover poisoning of any food, drink, or medicine, or any products consumed, ingested, or applied to the body.

VI. SIGNATURES:

COMMITTEE ON SELECT COMMITTEE ON SECURITY:

Prepared by:

Staff Director:

Susan Reese

Tom Randle/Richard Hixson