

By the Committee on Criminal Justice; and Senators  
Brown-Waite, Smith and Crist

307-475C-02

1                                   A bill to be entitled  
2           An act relating to sentencing; creating s.  
3           775.31, F.S.; providing for the  
4           reclassification of offenses the commission of  
5           which facilitated or furthered any act of  
6           terrorism; defining the term "terrorism";  
7           amending s. 782.04, F.S.; including any felony  
8           that is an act or terrorism or is in  
9           furtherance of an act of terrorism as a  
10          qualifying offense under the felony-murder  
11          provisions; creating the crime of felony-murder  
12          involving any felony that is an act of  
13          terrorism or is in furtherance of an act of  
14          terrorism; defining the term "terrorism";  
15          amending s. 859.01, F.S.; making it a crime to  
16          introduce or add a poison, or introduce, add,  
17          or mingle any bacteria, virus, or chemical  
18          compound with food, drink, or medicine with  
19          intent to kill or injure; making it a crime to  
20          introduce, add, or mingle any bacteria, virus,  
21          or chemical compound in a spring, well, or  
22          reservoir with intent to kill or injure;  
23          providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Section 775.31, Florida Statutes, is  
28 created to read:

29           775.31 Facilitating or furthering terrorism; felony or  
30 misdemeanor reclassification.--

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1           (1) The felony or misdemeanor degree of any criminal  
2 offense shall be reclassified to the next higher degree as  
3 provided in this section if the commission of the felony or  
4 misdemeanor facilitated or furthered the commission of any act  
5 of terrorism. The reclassification shall be made in the  
6 following manner:

7           (a) In the case of a misdemeanor of the second degree,  
8 the offense is reclassified as a misdemeanor of the first  
9 degree.

10           (b) In the case of a misdemeanor of the first degree,  
11 the offense is reclassified as a felony of the third degree.

12           (c) In the case of a felony of the third degree, the  
13 offense is reclassified as a felony of the second degree.

14           (d) In the case of a felony of the first degree or a  
15 felony of the first degree punishable by a term of  
16 imprisonment not exceeding life, the offense is reclassified  
17 as a life felony.

18           (2) For purposes of sentencing under chapter 921, the  
19 following offense severity ranking levels apply:

20           (a) An offense that is a misdemeanor of the first  
21 degree and that is reclassified under this section as a felony  
22 of the third degree is ranked in level 2 of the offense  
23 severity ranking chart.

24           (b) A felony offense that is reclassified under this  
25 section is ranked one level above the ranking specified in s.  
26 921.0022 or s. 921.0023 for the offense committed.

27           (3) As used in this section, the term "terrorism"  
28 means an activity that:

29           (a) Involves a violent act or act dangerous to human  
30 life which is a violation of the criminal laws of this state  
31 or of the United States; and

- 1           **(b) Appears to be intended to:**  
2           **1. Intimidate, injure, or coerce a civilian**  
3 **population;**  
4           **2. Influence the policy of a government by**  
5 **intimidation or coercion; or**  
6           **3. Affect the conduct of government through**  
7 **destruction of property, assassination, murder, or kidnapping.**  
8           Section 2. Section 782.084, Florida Statutes, is  
9 amended to read:  
10           782.04 Murder.--  
11           (1)(a) The unlawful killing of a human being:  
12           1. When perpetrated from a premeditated design to  
13 effect the death of the person killed or any human being;  
14           2. When committed by a person engaged in the  
15 perpetration of, or in the attempt to perpetrate, any:  
16           a. Trafficking offense prohibited by s. 893.135(1),  
17           b. Arson,  
18           c. Sexual battery,  
19           d. Robbery,  
20           e. Burglary,  
21           f. Kidnapping,  
22           g. Escape,  
23           h. Aggravated child abuse,  
24           i. Aggravated abuse of an elderly person or disabled  
25 adult,  
26           j. Aircraft piracy,  
27           k. Unlawful throwing, placing, or discharging of a  
28 destructive device or bomb,  
29           l. Carjacking,  
30           m. Home-invasion robbery,  
31           n. Aggravated stalking,

- 1           o. Murder of another human being,  
2           p. Resisting an officer with violence to his or her  
3 person;  
4           q. Felony that is an act or terrorism or is in  
5 furtherance of an act of terrorism; or  
6           3. Which resulted from the unlawful distribution of  
7 any substance controlled under s. 893.03(1), cocaine as  
8 described in s. 893.03(2)(a)4., or opium or any synthetic or  
9 natural salt, compound, derivative, or preparation of opium by  
10 a person 18 years of age or older, when such drug is proven to  
11 be the proximate cause of the death of the user,  
12  
13 is murder in the first degree and constitutes a capital  
14 felony, punishable as provided in s. 775.082.  
15           (b) In all cases under this section, the procedure set  
16 forth in s. 921.141 shall be followed in order to determine  
17 sentence of death or life imprisonment.  
18           (2) The unlawful killing of a human being, when  
19 perpetrated by any act imminently dangerous to another and  
20 evincing a depraved mind regardless of human life, although  
21 without any premeditated design to effect the death of any  
22 particular individual, is murder in the second degree and  
23 constitutes a felony of the first degree, punishable by  
24 imprisonment for a term of years not exceeding life or as  
25 provided in s. 775.082, s. 775.083, or s. 775.084.  
26           (3) When a person is killed in the perpetration of, or  
27 in the attempt to perpetrate, any:  
28           (a) Trafficking offense prohibited by s. 893.135(1),  
29           (b) Arson,  
30           (c) Sexual battery,  
31           (d) Robbery,

- 1 (e) Burglary,  
2 (f) Kidnapping,  
3 (g) Escape,  
4 (h) Aggravated child abuse,  
5 (i) Aggravated abuse of an elderly person or disabled  
6 adult,  
7 (j) Aircraft piracy,  
8 (k) Unlawful throwing, placing, or discharging of a  
9 destructive device or bomb,  
10 (l) Carjacking,  
11 (m) Home-invasion robbery,  
12 (n) Aggravated stalking,  
13 (o) Murder of another human being, ~~or~~  
14 (p) Resisting an officer with violence to his or her  
15 person, or  
16 (q) Felony that is an act or terrorism or is in  
17 furtherance of an act of terrorism  
18  
19 by a person other than the person engaged in the perpetration  
20 of or in the attempt to perpetrate such felony, the person  
21 perpetrating or attempting to perpetrate such felony is guilty  
22 of murder in the second degree, which constitutes a felony of  
23 the first degree, punishable by imprisonment for a term of  
24 years not exceeding life or as provided in s. 775.082, s.  
25 775.083, or s. 775.084.  
26 (4) The unlawful killing of a human being, when  
27 perpetrated without any design to effect death, by a person  
28 engaged in the perpetration of, or in the attempt to  
29 perpetrate, any felony other than any:  
30 (a) Trafficking offense prohibited by s. 893.135(1),  
31 (b) Arson,

1 (c) Sexual battery,  
2 (d) Robbery,  
3 (e) Burglary,  
4 (f) Kidnapping,  
5 (g) Escape,  
6 (h) Aggravated child abuse,  
7 (i) Aggravated abuse of an elderly person or disabled  
8 adult,  
9 (j) Aircraft piracy,  
10 (k) Unlawful throwing, placing, or discharging of a  
11 destructive device or bomb,  
12 (l) Unlawful distribution of any substance controlled  
13 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,  
14 or opium or any synthetic or natural salt, compound,  
15 derivative, or preparation of opium by a person 18 years of  
16 age or older, when such drug is proven to be the proximate  
17 cause of the death of the user,  
18 (m) Carjacking,  
19 (n) Home-invasion robbery,  
20 (o) Aggravated stalking,  
21 (p) Murder of another human being, ~~or~~  
22 (q) Resisting an officer with violence to his or her  
23 person, or  
24 (r) Felony that is an act or terrorism or is in  
25 furtherance of an act terrorism  
26  
27 is murder in the third degree and constitutes a felony of the  
28 second degree, punishable as provided in s. 775.082, s.  
29 775.083, or s. 775.084.  
30 (5) As used in this section, the term "terrorism"  
31 means an activity that:

1           (a) Involves a violent act or act dangerous to human  
2 life which is a violation of the criminal laws of this state  
3 or of the United States; and

4           (b) Appears to be intended to:

5           1. Intimidate, injure, or coerce a civilian  
6 population;

7           2. Influence the policy of a government by  
8 intimidation or coercion; or

9           3. Affect the conduct of government through  
10 destruction of property, assassination, murder, or kidnapping.

11           Section 3. Section 859.01, Florida Statutes, is  
12 amended to read:

13           859.01 Poisoning food or water.--Whoever introduces,  
14 adds, or mingles any poison, bacteria, virus, or chemical  
15 compound with food, drink, or medicine with intent to kill or  
16 injure another person, or willfully poisons, or introduces,  
17 adds, or mingles any bacteria, virus, or chemical compound in  
18 any spring, well, or reservoir of water with such intent,  
19 shall be guilty of a felony of the first degree, punishable as  
20 provided in s. 775.082, s. 775.083, or s. 775.084.

21           Section 4. This act shall take effect upon becoming a  
22 law.

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 76-B  
4           -       Provides a definition of the term "terrorism."  
5           -       Reclassifies the felony or misdemeanor degree of any  
6           offense if the commission of the offense facilitates or  
7           furtheres the commission of any act of terrorism.  
8           -       Ranks reclassified offenses.  
9           -       Adds as qualifying offenses for purpose of the felony  
10          murder provisions any felony that is an act of terrorism  
11          or is in furtherance of act of terrorism.  
12          -       Creates a first degree felony for introducing or adding  
13          any poison, or introducing, adding, or mingling any  
14          bacteria, virus or chemical compound with food, drink,  
15          or medicine with the intent to kill or injure another  
16          person, or for introducing, adding, or mingling any  
17          bacteria, virus, or chemical compound in any spring,  
18          well, or reservoir of water with such intent.  
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