

STORAGE NAME: s0010Cs1a.sec.doc
DATE: December 4, 2001

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

BILL #: CS/SB 10-C

RELATING TO: Poisoning

SPONSOR(S): Senate Committee on Criminal Justice, Brown-Waite and others

TIED BILL(S):

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

- (1) SECURITY, SELECT YEAS 11 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill 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, bacterium, radioactive material, virus, or chemical compound with food, drink, medicine, or any product designed to be ingested, consumed, or applied to the body. Also included in the redefinition of the first-degree felony offense is the willful poisoning, or introducing, adding, or mingling of any bacterium, radioactive material, virus, or chemical compound in any spring, well, or reservoir of water with the intent to kill or injure another person.

The bill appears to have no fiscal impact on state or local government and will take effect upon becoming a law.

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:

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 bill 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 will be a first-degree felony:

- To introduce, add, or mingle any "poison" or any bacterium, radioactive material, virus, or chemical compound with any food, drink, medicine, or any product designed to be ingested, consumed, or applied to the body with the intent to kill or injure, or
- To willfully poison or introduce, add, or mingle any bacterium, radioactive material, 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, F.S., 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.

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:

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.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

SELECT COMMITTEE ON SECURITY:

Prepared by:

Staff Director:

Susan D. Reese

Tom Randle/Richard Hixson