

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 10-C

SPONSOR: Criminal Justice Committee and Senators Brown-Waite and Smith

SUBJECT: Poisoning

DATE: November 27, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 10-C amends s. 859.01, F.S., the statute that punishes poisoning of food, drink, medicine, or certain water supplies, with the intent to kill or injure another person. The amendment expands the scope of the statute to punish a person who, with intent to kill or injure another person, does the following:

1. Introduces or adds any poison with food, drink, or medicine;
2. Introduces, adds or mingles any bacterium, radioactive material, virus, or chemical compound with food, drink, medicine, or any product designed to be ingested, consumed, or applied to the body; or
3. Willfully introduces, adds, or mingles any bacterium, radioactive material, virus, or chemical compound into any spring, well, or reservoir.

This CS amends ss. 859.01 and 921.0022, F.S.

II. Present Situation:

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

The crime of poisoning in s. 859.01, F.S., is ranked in Level 9 of the Criminal Punishment Code offense severity ranking chart, which is provided in s. 921.0022, F.S.

III. Effect of Proposed Changes:

Committee Substitute for Senate Bill 10-C amends s. 859.01, F.S., the statute that punishes poisoning of food, drink, medicine, or certain water supplies, with the intent to kill or injure another person. The amendment expands the scope of the statute to punish a person who, with intent to kill or injure another person, does the following:

1. Introduces or adds any poison with food, drink, or medicine;
2. Introduces, adds or mingles any bacterium, radioactive material, virus, or chemical compound with food, drink, medicine, or any product designed to be ingested, consumed, or applied to the body; or
3. Willfully introduces, adds, or mingles any bacterium, radioactive material, virus, or chemical compound into any spring, well, or reservoir.

The CS also amends s. 921.0022, F.S., the Criminal Punishment Code offense severity ranking chart, to amend the description in the chart to reflect the changes made to s. 859.01, F.S., by the CS.

The CS takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference has not met to consider the prison bed impact of CS/SB 10-C. During fiscal year 2000-2001, only one person was sentenced to prison for a violation of s. 859.01, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
