

By Senators Brown-Waite and Smith

10-682A-02

1 A bill to be entitled
2 An act relating to poisoning; amending s.
3 859.01, F.S.; prohibiting the introduction or
4 addition of any poison, or the introduction,
5 addition, or mingling of any bacterium, virus,
6 chemical compound, or specified products into
7 food, drink, medicine, or water systems under
8 certain circumstances; providing penalties;
9 amending s. 921.0022, F.S., to conform to
10 changes made by the act; providing an effective
11 date.

13 Be It Enacted by the Legislature of the State of Florida:

15 Section 1. Section 859.01, Florida Statutes, is
16 amended to read:

17 859.01 Poisoning food or water.--Whoever introduces,
18 adds, or mingles any poison, bacterium, virus, or chemical
19 compound with food, drink, ~~or~~ medicine, or any product
20 designed to be ingested, consumed, or applied to the body
21 with intent to kill or injure another person, or willfully
22 poisons or introduces, adds, or mingles any bacterium, virus,
23 or chemical compound into any spring, well, or reservoir of
24 water with such intent, commits ~~shall be guilty of~~ a felony of
25 the first degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084.

27 Section 2. Paragraph (i) of subsection (3) of section
28 921.0022, Florida Statutes, is amended to read:

29 921.0022 Criminal Punishment Code; offense severity
30 ranking chart.--

31 (3) OFFENSE SEVERITY RANKING CHART

1	2	3	4
5	6	7	8
9	10	11	12
13	Florida Statute	Felony Degree	Description
14			(i) LEVEL 9
15	316.193		
16	(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
17	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
18	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
19	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
20	755.0844	1st	Aggravated white collar crime.
21	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
22	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
23	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

1	782.07(2)	1st	Aggravated manslaughter of an
2			elderly person or disabled adult.
3	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
4			reward or as a shield or hostage.
5	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
6			or facilitate commission of any
7			felony.
8	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
9			interfere with performance of any
10			governmental or political
11			function.
12	787.02(3)(a)	1st	False imprisonment; child under
13			age 13; perpetrator also commits
14			aggravated child abuse, sexual
15			battery, or lewd or lascivious
16			battery, molestation, conduct, or
17			exhibition.
18	790.161	1st	Attempted capital destructive
19			device offense.
20	790.166(2)	1st,PBL	Possessing, selling, using, or
21			attempting to use a weapon of
22			mass destruction.
23	794.011(2)	1st	Attempted sexual battery; victim
24			less than 12 years of age.
25	794.011(2)	Life	Sexual battery; offender younger
26			than 18 years and commits sexual
27			battery on a person less than 12
28			years.
29	794.011(4)	1st	Sexual battery; victim 12 years
30			or older, certain circumstances.
31			

1	794.011(8)(b)	1st	Sexual battery; engage in sexual
2			conduct with minor 12 to 18 years
3			by person in familial or
4			custodial authority.
5	800.04(5)(b)	1st	Lewd or lascivious molestation;
6			victim less than 12 years;
7			offender 18 years or older.
8	812.13(2)(a)	1st,PBL	Robbery with firearm or other
9			deadly weapon.
10	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
11			deadly weapon.
12	827.03(2)	1st	Aggravated child abuse.
13	847.0145(1)	1st	Selling, or otherwise
14			transferring custody or control,
15			of a minor.
16	847.0145(2)	1st	Purchasing, or otherwise
17			obtaining custody or control, of
18			a minor.
19	859.01	1st	Poisoning <u>or introducing</u>
20			<u>bacteria, viruses, or chemical</u>
21			<u>compounds into</u> food, drink,
22			medicine, or water with intent to
23			kill or injure another person.
24	893.135	1st	Attempted capital trafficking
25			offense.
26	893.135(1)(a)3.	1st	Trafficking in cannabis, more
27			than 10,000 lbs.
28	893.135		
29	(1)(b)1.c.	1st	Trafficking in cocaine, more than
30			400 grams, less than 150
31			kilograms.

1	893.135		
2	(1)(c)1.c.	1st	Trafficking in illegal drugs,
3			more than 28 grams, less than 30
4			kilograms.
5	893.135		
6	(1)(d)1.c.	1st	Trafficking in phencyclidine,
7			more than 400 grams.
8	893.135		
9	(1)(e)1.c.	1st	Trafficking in methaqualone, more
10			than 25 kilograms.
11	893.135		
12	(1)(f)1.c.	1st	Trafficking in amphetamine, more
13			than 200 grams.
14	893.135		
15	(1)(h)1.c.	1st	Trafficking in
16			gamma-hydroxybutyric acid (GHB),
17			10 kilograms or more.
18	893.135		
19	(1)(i)1.c.	1st	Trafficking in 1,4-Butanediol, 10
20			kilograms or more.
21	893.135		
22	(1)(j)2.c.	1st	Trafficking in Phenethylamines,
23			400 grams or more.
24	896.101(5)(c)	1st	Money laundering, financial
25			instruments totaling or exceeding
26			\$100,000.
27	896.104(4)(a)3.	1st	Structuring transactions to evade
28			reporting or registration
29			requirements, financial
30			transactions totaling or
31			exceeding \$100,000.

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Section 3. This act shall take effect upon becoming a law.

SENATE SUMMARY

Provides that it is a first-degree felony to introduce any bacterium, virus, or chemical compound into food, drink, medicine, or a water system. (See bill for details.)