

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

307-735-02

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,
6 radioactive material, virus, chemical compound,
7 or specified products into food, drink,
8 medicine, or water systems under certain
9 circumstances; providing penalties; amending s.
10 921.0022, F.S., to conform to changes made by
11 the act; providing an effective date.

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

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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, radioactive material,
19 virus, or chemical compound with food, drink, ~~or~~ medicine, or
20 any product designed to be ingested, consumed, or applied to
21 the body with intent to kill or injure another person, or
22 willfully poisons or introduces, adds, or mingles any
23 bacterium, radioactive material, virus, or chemical compound
24 into any spring, well, or reservoir of water with such intent,
25 commits ~~shall be guilty of~~ a felony of the first degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 Section 2. Paragraph (i) of subsection (3) of section
29 921.0022, Florida Statutes, is amended to read:

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

1	(3) OFFENSE SEVERITY RANKING CHART		
2			
3	Florida	Felony	
4	Statute	Degree	Description
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6			(i) LEVEL 9
7	316.193		
8	(3)(c)3.b.	1st	DUI manslaughter; failing to
9			render aid or give information.
10	560.123(8)(b)3.	1st	Failure to report currency or
11			payment instruments totaling or
12			exceeding \$100,000 by money
13			transmitter.
14	560.125(5)(c)	1st	Money transmitter business by
15			unauthorized person, currency, or
16			payment instruments totaling or
17			exceeding \$100,000.
18	655.50(10)(b)3.	1st	Failure to report financial
19			transactions totaling or
20			exceeding \$100,000 by financial
21			institution.
22	755.0844	1st	Aggravated white collar crime.
23	782.04(1)	1st	Attempt, conspire, or solicit to
24			commit premeditated murder.
25	782.04(3)	1st,PBL	Accomplice to murder in
26			connection with arson, sexual
27			battery, robbery, burglary, and
28			other specified felonies.
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1	782.051(1)	1st	Attempted felony murder while
2			perpetrating or attempting to
3			perpetrate a felony enumerated in
4			s. 782.04(3).
5	782.07(2)	1st	Aggravated manslaughter of an
6			elderly person or disabled adult.
7	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
8			reward or as a shield or hostage.
9	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
10			or facilitate commission of any
11			felony.
12	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
13			interfere with performance of any
14			governmental or political
15			function.
16	787.02(3)(a)	1st	False imprisonment; child under
17			age 13; perpetrator also commits
18			aggravated child abuse, sexual
19			battery, or lewd or lascivious
20			battery, molestation, conduct, or
21			exhibition.
22	790.161	1st	Attempted capital destructive
23			device offense.
24	790.166(2)	1st,PBL	Possessing, selling, using, or
25			attempting to use a weapon of
26			mass destruction.
27	794.011(2)	1st	Attempted sexual battery; victim
28			less than 12 years of age.
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1	794.011(2)	Life	Sexual battery; offender younger
2			than 18 years and commits sexual
3			battery on a person less than 12
4			years.
5	794.011(4)	1st	Sexual battery; victim 12 years
6			or older, certain circumstances.
7	794.011(8)(b)	1st	Sexual battery; engage in sexual
8			conduct with minor 12 to 18 years
9			by person in familial or
10			custodial authority.
11	800.04(5)(b)	1st	Lewd or lascivious molestation;
12			victim less than 12 years;
13			offender 18 years or older.
14	812.13(2)(a)	1st,PBL	Robbery with firearm or other
15			deadly weapon.
16	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
17			deadly weapon.
18	827.03(2)	1st	Aggravated child abuse.
19	847.0145(1)	1st	Selling, or otherwise
20			transferring custody or control,
21			of a minor.
22	847.0145(2)	1st	Purchasing, or otherwise
23			obtaining custody or control, of
24			a minor.
25	859.01	1st	Poisoning <u>or introducing</u>
26			<u>bacteria, radioactive materials,</u>
27			<u>viruses, or chemical compounds</u>
28			<u>into</u> food, drink, medicine, or
29			water with intent to kill or
30			injure another person.
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1	893.135	1st	Attempted capital trafficking
2			offense.
3	893.135(1)(a)3.	1st	Trafficking in cannabis, more
4			than 10,000 lbs.
5	893.135		
6	(1)(b)1.c.	1st	Trafficking in cocaine, more than
7			400 grams, less than 150
8			kilograms.
9	893.135		
10	(1)(c)1.c.	1st	Trafficking in illegal drugs,
11			more than 28 grams, less than 30
12			kilograms.
13	893.135		
14	(1)(d)1.c.	1st	Trafficking in phencyclidine,
15			more than 400 grams.
16	893.135		
17	(1)(e)1.c.	1st	Trafficking in methaqualone, more
18			than 25 kilograms.
19	893.135		
20	(1)(f)1.c.	1st	Trafficking in amphetamine, more
21			than 200 grams.
22	893.135		
23	(1)(h)1.c.	1st	Trafficking in
24			gamma-hydroxybutyric acid (GHB),
25			10 kilograms or more.
26	893.135		
27	(1)(i)1.c.	1st	Trafficking in 1,4-Butanediol, 10
28			kilograms or more.
29	893.135		
30	(1)(j)2.c.	1st	Trafficking in Phenethylamines,
31			400 grams or more.

1 896.101(5)(c) 1st Money laundering, financial
2 instruments totaling or exceeding
3 \$100,000.
4 896.104(4)(a)3. 1st Structuring transactions to evade
5 reporting or registration
6 requirements, financial
7 transactions totaling or
8 exceeding \$100,000.

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

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 10-C

- 15 - Makes it a first degree felony to introduce, add, or
16 mingle any radioactive material with food, drink,
17 medicine, or any product designed to be ingested,
18 consumed, or applied to the body.
19 - Makes it a first degree felony to willfully introduce,
20 add, or mingle any radioactive material into any spring,
21 well, or reservoir.
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