

STORAGE NAME: h0653.sec.doc

DATE: January 28, 2002

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

BILL #: HB 653

RELATING TO: Terrorism

SPONSOR(S): Representative(s) Wishner & others

TIED BILL(S):

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

- (1) SELECT COMMITTEE ON SECURITY
 - (2) CRIME PREVENTION, CORRECTIONS & SAFETY
 - (3) COUNCIL FOR HEALTHY COMMUNITIES
 - (4)
 - (5)
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I. SUMMARY:

This bill defines the term "terrorism" as an activity that :

- Involves a violent act or an act dangerous to human life that is a violation of the criminal laws of Florida or federal law; or
- Involves a violation of s. 815.06, F.S. (offenses against computer users); and
- Is intended to:
 - Intimidate, injure, or coerce a civilian population;
 - Influence the policy of a government by intimidation or coercion; or
 - Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

This bill provides that a court shall require any person convicted of a prank or hoax act of terrorism that required the mobilization or action of any law enforcement officer or any state or local agency to pay restitution for all of the costs and damages arising from the prank or hoax act of terrorism.

The bill takes effect July 1, 2002.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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:

Less Government: This bill does not support the principal of less government, because it requires courts to provide an additional penalty for individuals who are convicted of a prank or hoax act of terrorism.

B. PRESENT SITUATION:

Terrorism is presently defined in s. 775.30, F.S. (see chapter law 2001-356, Laws of Florida, effective December 10, 2001).

Chapter 772, F.S., provides for a civil cause of action for recovery of damages accrued as a result of certain enumerated criminal offenses. The act of terrorism is not included in the provision providing civil remedies for criminal activity.

A criminal court, pursuant to s. 775.089, F.S., is required to order the defendant, following adjudication of guilt or guilty plea, to pay restitution to the victim for damages or loss caused directly or indirectly by the defendant's offense and damages or loss related to the defendant's criminal episode. Restitution may not be ordered if the court finds a clear and compelling reason not to do so.

Presently, there is no state law requiring restitution to the state, state agencies, local governments, local agencies, private individuals, or private businesses for the recovery of damages and costs accrued from a prank or hoax act of terrorism. Such damages and costs may include, but are not limited to, the damages and costs of deploying law enforcement personnel and equipment in response to a hoax act of terrorism, the damages and costs related to the forced closure of buildings, and damages and costs related to the loss of business accrued as a direct result of a hoax act of terrorism.

C. EFFECT OF PROPOSED CHANGES:

This bill defines terrorism as it is already defined in chapter law 2001-356, Laws of Florida.

This bill provides that any person convicted of a prank or hoax act of terrorism is required to pay restitution for all of the costs and damages arising from the prank or hoax act of terrorism. This could include, but is not limited to, compensation for mobilizing any state or local agency or any law enforcement agency.

D. SECTION-BY-SECTION ANALYSIS:

Please refer to Effect of Proposed Changes for a description of the bill.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

An indeterminate amount of revenue could be generated due to courts ordering restitution to state agencies responding to prank or hoax acts of terrorism.

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

An indeterminate amount of revenue could be generated due to courts ordering restitution to local agencies responding to prank or hoax acts of terrorism.

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

This bill allows the state, state agencies, local governments, and local agencies to recover costs and damages resulting from a prank or hoax act of terrorism.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to spend funds or to take actions requiring expenditure.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The activity of terrorism is currently defined in s. 775.30, F.S., effective December 10, 2001. Therefore, the definition in this bill is not needed.

Presently, Florida law does not include a "prank or hoax act of terrorism" crime. This bill does not create such a crime. Potential ambiguity as to what activity constitutes a prank or hoax act of terrorism can be resolved by amending the bill to create a "prank or hoax act of terrorism" crime.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON SELECT COMMITTEE ON SECURITY:

Prepared by:

Staff Director:

Andrew Stearns/Randy L. Havlicak

Tom Randle/Richard Hixson