

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: SB 398

SPONSOR: Senator Miller

SUBJECT: Commercial Exploitation/Self-murder

DATE: March 24, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Lang</u>	<u>JU</u>	<u>Fav/1 amendment</u>
2.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill defines self-murder as the voluntary and intentional taking of one's own life, including attempts. Under this bill, a person who engages for commercial or entertainment purposes, in conducting, promoting, publicizing, collecting admission to, or providing a theater, auditorium, club, or other venue or location for, any event the person knows or reasonably should know includes an actual self-murder, commits a third degree felony.

Simulated self-murder, defined in this bill as a self-murder publicly depicted or portrayed through script, play, movie, or story where the public has prior notice that it is only a simulation, is exempted from the provisions of this bill.

This bill creates a new subsection, s. 782.081, in the Florida Statutes.

II. Present Situation:

In the Fall of 2003, a rock band advertised that it intended to hold a concert, to include the public suicide of a terminally ill person, in support of euthanasia (*St. Petersburg Times*, October 22, 2003).

The St. Petersburg City Commission immediately passed a city ordinance, by emergency order, making it illegal to conduct a suicide for commercial or entertainment purposes, or to host, promote, or sell tickets to such an event. Ordinance No. 634-G, Section 20-100 (2003). Violation of the city ordinance can result in up to a sixty day jail sentence and a \$500 fine. Pinellas County Commissioners extended the ban countywide in 2003 following the City Commission's actions, and broadened it to include all public suicide.

Section 782.08, F.S., relating to assisting self-murder, provides that a person who deliberately assists another in the commission of self-murder is guilty of manslaughter, a second degree felony.

III. Effect of Proposed Changes:

Section 782.081, F.S., provides the following changes in law:

- Defines ‘self-murder’ as the voluntary and intentional taking of one’s own life, including attempts.
- Defines ‘simulated self-murder’ as the artistic depiction or portrayal of self-murder which is not an actual self-murder, including, but not limited to, that which is depicted or portrayed through a script, play, movie, or story presented to the public, where the public has been informed that it will not be an actual self-murder.
- Provides that it is a third degree felony to engage, for commercial or entertainment purposes, in conducting, promoting, publicizing, collecting admission to, or providing a theater, auditorium, club, or other venue or location for, any event the person knows or reasonably should know includes an actual self-murder.
- Provides an exemption for any event during which a simulated self-murder will occur from the provisions of this section.
- Provides that it is not a defense to prosecution that an attempted self-murder did not result in a self-murder.
- Provides that the Attorney General or any state attorney may bring a civil proceeding for declaratory, injunctive, or other relief to enforce the provisions of this section.
- 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 yet reviewed the bill, but staff does not expect the bill will have a significant prison bed impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Simulated self-murder is exempted from the prohibitions under this bill. To constitute a simulated, rather than an actual, self-murder, the public is required to be notified that the depiction or portrayal will not be an actual self-murder. It appears that this would require there to be a warning, or clarification statement, prior to the showing of every portrayal or depiction of such a simulation (i.e. before the start of a film or play containing a self-murder).

VIII. Amendments:

#1 by Judiciary:

This amendment removes the public notification requirement from the simulated self-murder exception.