

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 9                      Persons Injured by Crime

**SPONSOR(S):** Llorente and others

**TIED BILLS:**                                      **IDEN./SIM. BILLS:** SB 92

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Homeland Security &amp; Public Safety</u>	<u>9 Y, 0 N</u>	<u>Cunningham</u>	<u>Kramer</u>
2) <u>Safety &amp; Security Council</u>	<u>11 Y, 0 N</u>	<u>Cunningham</u>	<u>Havlicak</u>
3) <u>Policy &amp; Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

### SUMMARY ANALYSIS

HB 9 creates s. 843.21, F.S., which provides that a person who takes custody of or exercises control over a person he or she knows to be injured as a result of criminal activity and deprives that person of medical care with the intent to avoid, delay, hinder, or obstruct any investigation of the criminal activity contributing to the injury commits:

- A third degree felony where the victim's medical condition worsens as a result of the deprivation of medical care.
- A second degree felony where the deprivation of medical care results in the victim's death.

The bill takes effect October 1, 2008, and does not appear to have a significant fiscal impact.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty – The bill makes it a crime for a person who takes custody of or exercises control over a person he or she knows to be injured as a result of criminal activity to deprive that person of medical care with the intent to avoid, delay, hinder, or obstruct any investigation of the criminal activity contributing to the injury.

#### B. EFFECT OF PROPOSED CHANGES:

In 2003, Frank Pacheco was assaulted by a group of men and sustained serious injuries. After the assault, the attackers allegedly put Pacheco in the back of a car and forced Pacheco's companion to drive around. The prosecutor in the case stated that "the wounds Pacheco suffered from the beating were not life-threatening, but they became so after he was shoved into the car and not taken directly to the hospital."<sup>1</sup>

HB 9 creates s. 843.21, F.S., which provides that a person who takes custody of or exercises control over a person he or she knows to be injured as a result of criminal activity and deprives that person of medical care with the intent to avoid, delay, hinder, or obstruct any investigation of the criminal activity contributing to the injury commits:

- A third degree felony<sup>2</sup> where the victim's medical condition worsens as a result of the deprivation of medical care.
- A second degree felony<sup>3</sup> where the deprivation of medical care results in the victim's death.

The bill has an effective date of October 1, 2008.

#### C. SECTION DIRECTORY:

**Section 1.** Cites the bill as the "Frank Pacheco Aid to Victims Act."

**Section 2.** Creates s. 843.21, F.S., relating to depriving crime victim of medical care.

**Section 3.** This bill takes effect October 1, 2008.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

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<sup>1</sup> <http://www.miaminewtimes.com/2005-03-24/news/how-to-get-away-with-murder/5>

<sup>2</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. ss. 775.082, 775.083, and 775.084, F.S.

<sup>3</sup> A second-degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. ss. 775.082, 775.083, and 775.084, F.S.

2. Expenditures:  
Indeterminate. See "Fiscal Comments."

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:  
None.
2. Expenditures:  
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Criminal Justice Impact Conference has not yet met to determine the prison bed impact of this bill. However, to the extent that this bill creates a new crime, there may be an additional prison bed impact.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:  
None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES