

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 92

INTRODUCER: Senator Villalobos

SUBJECT: Persons Injured By Crime/Medical Treatment

DATE: December 13, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Favorable
2.			JU	
3.			JA	
4.				
5.				
6.				

I. Summary:

The bill creates two new felony offenses when any person who takes custody of or exercises control over someone he or she knows to be injured as a result of criminal activity, 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. It would be a third degree felony if the victim's medical condition worsens as a result of the deprivation of medical care. If the deprivation of medical care results in the victim's death, it would be a second degree felony under the bill.

This bill creates section 843.21 of the Florida Statutes.

II. Present Situation:

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."¹

III. Effect of Proposed Changes:

The bill creates s. 843.21, F.S., making 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

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

criminal activity contributing to the injury. The bill would make such crime a third degree felony² if the victim's medical condition worsens as a result of the deprivation of medical care. It would be a second degree felony³ if the deprivation of medical care results in the victim's death.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference has not yet met to determine if there will be any prison bed impact as a result of this bill. However, any fiscal impact is preliminarily estimated to be insignificant because both offenses are unranked and will probably be low volume offenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

² 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.

³ 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.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
