

Committee Substitute for Senate Bill No. 10-C

An act relating to poisoning; amending s. 859.01, F.S.; prohibiting the introduction or addition of any poison, or the introduction, addition, or mingling of any bacterium, radioactive material, virus, chemical compound, or specified products into food, drink, medicine, or water systems under certain circumstances; providing penalties; amending s. 921.0022, F.S., to conform to changes made by the act; providing an effective date.

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

Section 1. Section 859.01, Florida Statutes, is amended to read:

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

| Florida Statute | Felony Degree | Description |
|-----------------------|---------------|----------------------------------------------------------------------------------------------------------------------|
| (i) LEVEL 9 | | |
| 316.193 (3)(c)3.b. | 1st | DUI manslaughter; failing to render aid or give information. |
| 560.123(8)(b)3. | 1st | Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter. |
| 560.125(5)(c) | 1st | Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000. |
| 655.50(10)(b)3. | 1st | Failure to report financial transactions totaling or exceeding \$100,000 by financial institution. |
| 755.0844 | 1st | Aggravated white collar crime. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 782.04(1) | 1st | Attempt, conspire, or solicit to commit premeditated murder. |
| 782.04(3) | 1st,PBL | Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies. |
| 782.051(1) | 1st | Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3). |
| 782.07(2) | 1st | Aggravated manslaughter of an elderly person or disabled adult. |
| 787.01(1)(a)1. | 1st,PBL | Kidnapping; hold for ransom or reward or as a shield or hostage. |
| 787.01(1)(a)2. | 1st,PBL | Kidnapping with intent to commit or facilitate commission of any felony. |
| 787.01(1)(a)4. | 1st,PBL | Kidnapping with intent to interfere with performance of any governmental or political function. |
| 787.02(3)(a) | 1st | False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition. |
| 790.161 | 1st | Attempted capital destructive device offense. |
| 790.166(2) | 1st,PBL | Possessing, selling, using, or attempting to use a weapon of mass destruction. |
| 794.011(2) | 1st | Attempted sexual battery; victim less than 12 years of age. |
| 794.011(2) | Life | Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years. |
| 794.011(4) | 1st | Sexual battery; victim 12 years or older, certain circumstances. |
| 794.011(8)(b) | 1st | Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority. |
| 800.04(5)(b) | 1st | Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older. |
| 812.13(2)(a) | 1st,PBL | Robbery with firearm or other deadly weapon. |
| 812.133(2)(a) | 1st,PBL | Carjacking; firearm or other deadly weapon. |

| Florida Statute | Felony Degree | Description |
|-----------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 827.03(2) | 1st | Aggravated child abuse. |
| 847.0145(1) | 1st | Selling, or otherwise transferring custody or control, of a minor. |
| 847.0145(2) | 1st | Purchasing, or otherwise obtaining custody or control, of a minor. |
| 859.01 | 1st | <u>Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into</u> food, drink, medicine, or water with intent to kill or injure another person. |
| 893.135 | 1st | Attempted capital trafficking offense. |
| 893.135(1)(a)3. | 1st | Trafficking in cannabis, more than 10,000 lbs. |
| 893.135 (1)(b)1.c. | 1st | Trafficking in cocaine, more than 400 grams, less than 150 kilograms. |
| 893.135 (1)(c)1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms. |
| 893.135 (1)(d)1.c. | 1st | Trafficking in phencyclidine, more than 400 grams. |
| 893.135 (1)(e)1.c. | 1st | Trafficking in methaqualone, more than 25 kilograms. |
| 893.135 (1)(f)1.c. | 1st | Trafficking in amphetamine, more than 200 grams. |
| 893.135 (1)(h)1.c. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more. |
| 893.135 (1)(i)1.c. | 1st | Trafficking in 1,4-Butanediol, 10 kilograms or more. |
| 893.135 (1)(j)2.c. | 1st | Trafficking in Phenethylamines, 400 grams or more. |
| 896.101(5)(c) | 1st | Money laundering, financial instruments totaling or exceeding \$100,000. |
| 896.104(4)(a)3. | 1st | Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000. |

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

Approved by the Governor December 10, 2001.

Filed in Office Secretary of State December 10, 2001.