

Committee on Criminal Justice

CS/HB 457 — Terrorism and Terrorist Activities

by Judiciary Committee and Rep. Gonzalez and others (CS/SB 476 by Criminal Justice Committee and Senator Bean)

The bill addresses terrorism by creating a crime of terrorism and related crimes. A person who violates any listed statute or statutory provision in furtherance of intimidating or coercing the policy of a government, or in furtherance of affecting the conduct of a government by mass destruction, assassination, or kidnapping, commits the crime of terrorism, a first degree felony (or a life felony if there is a death or serious bodily injury).

The bill also provides that it is:

- A second degree felony (or a first degree felony if there is a death or serious bodily injury) to receive military-type training from a designated foreign terrorist organization and use that training to unlawfully harm another person or damage a critical infrastructure facility;
- A first degree felony (or a life felony if there is a death or serious bodily injury) to:
 - Provide material support or resources, knowing or intending that the support or resources are to be used to commit a specified crime, or
 - Knowingly provide material support or resources to a designated foreign terrorist organization;
- A second degree felony to become a member of a designated foreign terrorist organization and serve under the direction or control of the organization with the intent to further the illegal acts of the organization; and
- A second degree felony (or a life felony if there is a death or serious bodily injury) to engage in agroterrorism, which is the intentional dissemination or spreading of a contagious, communicable, or infectious disease among crops, poultry, livestock, or other animals.

The bill also:

- Defines key terms and specifies that the meaning of “terrorism” and “terroristic activity” are the same;
- Excludes the terrorism-related crimes created by the bill from s. 775.31, F.S., which reclassifies the felony or misdemeanor of a crime if the commission of that crime facilitated or furthered an act of terrorism;
- Specifies what constitutes providing material support or resources by providing personnel;
- Provides exceptions from prosecution for the material support crimes;
- Requires the material support crimes be interpreted in a manner consistent with federal law;
- Requires the Florida Department of Law Enforcement, in consultation with the Attorney General, to create guidelines for law enforcement investigations to ensure the protection of privacy rights, civil rights, and civil liberties;

- Provides that a medically recognized procedure or legitimate, professional scientific research is an affirmative defense to a charge of agroterrorism;
- References the terrorism-related crimes created by the bill in provisions of s. 782.04, F.S., applicable to felony murder; and
- Ranks terrorism-related crimes created by the bill in the Criminal Punishment Code offense severity ranking chart.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 37-0; House 118-0