

# 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: CS/SB 74-B

SPONSOR: Committee on Criminal Justice and Senators Brown-Waite and Smith

SUBJECT: Terrorism

DATE: October 24, 2001      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Favorable/CS
2.	_____	_____	RC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Committee Substitute for Senate Bill 74-B provides a state definition of the term “terrorism.”

This CS creates s. 775.30, Florida Statutes.

**II. Present Situation:**

There is presently no state definition of the term “terrorism.” One federal definition of an “act of terrorism” in 18 U.S.C. s. 3077 describes that act as follows:

- (1) "act of terrorism" means an activity that -
  - (A) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; and
  - (B) appears to be intended -
    - (i) to intimidate or coerce a civilian population;
    - (ii) to influence the policy of a government by intimidation or coercion; or
    - (iii) to affect the conduct of a government by assassination or kidnapping. . . .

Recent federal legislation amends 18 U.S.C s. 2331 to create a definition of “domestic terrorism” that is almost identical to the definition of “act of terrorism” in 18 U.S.C. s. 3077. This legislation adds “mass destruction” to unlawful acts that affect the conduct of government. *See e.g.*, H.R. 2975, the “USA Act of 2001” (107th Congress).

Crafting a definition of terrorism is more an art than a science. Unless the definition is simply a litany of specific offenses, it is difficult to encapsulate all of the activities that might be deemed

to constitute terrorism. In patterning a definition of “terrorism” on federal law, the state would at least have the benefit of federal case law interpreting the federal definition, which might be viewed as persuasive authority. Additionally, certain laws like Florida’s wiretap laws, money laundering laws and racketeering laws, which are largely patterned on federal law, benefit from definitions that closely follow federal definitions.

### **III. Effect of Proposed Changes:**

The CS defines “terrorism.” The definition is patterned after the federal definition in 18 U.S.C s. 3077. The substantive differences between the definition in the legislation and the federal definition are that the state definition adds violent acts or acts dangerous to human life which are violations of state or federal law; and that appear to be intended to *injure* a civilian population; or affect the conduct of government through *destruction of property or murder*.

### **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:**

None.

### **VI. Technical Deficiencies:**

None.

### **VII. Related Issues:**

None.

**VIII. Amendments:**

None.

---

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

---