

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 9 Persons Injured by Crime

SPONSOR(S): Policy & Budget Council; Llorente and others

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Homeland Security & Public Safety</u>	<u>9 Y, 0 N</u>	<u>Cunningham</u>	<u>Kramer</u>
2) <u>Safety & Security Council</u>	<u>11 Y, 0 N</u>	<u>Cunningham</u>	<u>Havlicak</u>
3) <u>Policy & Budget Council</u>	<u>31 Y, 0 N, As CS</u>	<u>Leznoff</u>	<u>Hansen</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.

On January 17, 2008, the Criminal Justice Impact Conference determined the bill to have an insignificant impact on the prison population. The bill takes effect for crimes committed on or after October 1, 2008.

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."¹

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 felony² where the victim's medical condition worsens as a result of the deprivation of medical care.
- A second degree felony³ 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.

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

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.

2. Expenditures:

Insignificant. 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:

On January 17, 2008, the Criminal Justice Impact Conference determined the bill to have an insignificant impact on the prison population due to an anticipated low volume of this crime.

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

On February 5, 2008 the Policy and Budget Council adopted an amendment changing the name of the act from the "Frank Pacheco Aid to victim's Act" to the "Pastora Pacheco Aid to Victims Act." The bill was made a council substitute.