

1 A bill to be entitled

2 An act relating to victim assistance; amending s.
3 960.001, F.S.; requiring a law enforcement agency to
4 promptly make reasonable efforts to notify a victim if
5 his or her property is determined to be in the
6 possession of a pawnbroker; requiring the law
7 enforcement agency to provide specified information to
8 the victim; providing an effective date.

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

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12 Section 1. Paragraph (h) of subsection (1) of section
13 960.001, Florida Statutes, is amended to read:

14 960.001 Guidelines for fair treatment of victims and
15 witnesses in the criminal justice and juvenile justice systems.—

16 (1) The Department of Legal Affairs, the state attorneys,
17 the Department of Corrections, the Department of Juvenile
18 Justice, the Florida Commission on Offender Review, the State
19 Courts Administrator and circuit court administrators, the
20 Department of Law Enforcement, and every sheriff's department,
21 police department, or other law enforcement agency as defined in
22 s. 943.10(4) shall develop and implement guidelines for the use
23 of their respective agencies, which guidelines are consistent
24 with the purposes of this act and s. 16(b), Art. I of the State
25 Constitution and are designed to implement s. 16(b), Art. I of
26 the State Constitution and to achieve the following objectives:

27 (h) Return of property to victim.—

28 1. A law enforcement agency ~~agencies~~ and the state
29 attorney shall promptly return a victim's property held for
30 evidentiary purposes unless there is a compelling law
31 enforcement reason for retaining it. The trial or juvenile court
32 exercising jurisdiction over the criminal or juvenile proceeding
33 may enter appropriate orders to implement this subsection,
34 including allowing photographs of the victim's property to be
35 used as evidence at the criminal trial or the juvenile
36 proceeding in place of the victim's property if no related
37 substantial evidentiary issue ~~related thereto~~ is in dispute.

38 2. A law enforcement agency shall promptly make reasonable
39 efforts to notify the victim if the victim's property is
40 determined to be in the possession of a pawnbroker, as defined
41 in s. 539.001(2). The law enforcement agency shall give the
42 victim the name and location of the pawnshop and instructions
43 outlining the process for a replevin action and the procedures
44 specified in s. 539.001(15) for obtaining possession of the
45 property.

46 Section 2. This act shall take effect July 1, 2016.