

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 312 — Eyewitness Identification

by Criminal Justice Committee and Senator Baxley

The bill creates s. 92.70, F.S., relating to eyewitness identifications in criminal cases. Suspect lineups are conducted when law enforcement has developed a suspect in a criminal investigation. A live lineup includes the suspect in a group of individuals who should look similar to the suspect, and the witness or victim views the lineup to see if he or she recognizes the suspect. The same is true of photographic lineups where a group of photos including the suspect is shown to the witness or victim for identification purposes.

The bill sets forth specific procedures that state, county, municipal, or other law enforcement agencies must implement when conducting lineups in Florida, as follows.

Prior to the lineup, officers are required to give the eyewitness specified instructions. The lineup must be conducted by an independent administrator. This approach is sometimes referred to as “blind” administration. The independent administrator does not know the identity of the suspect.

In the case of photo lineups, the bill provides that an alternative method may be used in lieu of an independent administrator. Two required features of any alternative method are: achieving neutral administration and preventing the administrator from knowing which photograph is being presented to the eyewitness. The alternative photo lineup procedures should help eliminate staffing issues that otherwise could arise in smaller agencies if using an independent administrator were the only statutorily approved procedure.

The bill also provides judicial remedies should the requirements of the lineup procedure not be followed.

The bill requires the Criminal Justice Standards and Training Commission, in consultation with the Florida Department of Law Enforcement, to develop educational materials and conduct training programs for law enforcement on the eyewitness identification procedures set forth in the bill.

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

Vote: Senate 37-0; House 117-1