

Committee on Criminal Justice

CS/CS/HB 673 — DNA Evidence Collected in Sexual Offense Investigations by Judiciary Committee; Criminal Justice and Public Safety Subcommittee; and Reps. Slosberg, Plakon, and others (CS/SB 1002 by Appropriations Committee and Senator Stewart)

The bill amends s. 943.326, F.S., to require that the Florida Department of Law Enforcement (FDLE) create and begin to maintain a statewide database, the purpose of which is to track the location, processing status, and storage of sexual assault evidence kits (SAKs). Beginning with SAKs collected after the database is implemented, they will be tracked from evidence collection throughout the criminal justice process. The database must be created no later than July 1, 2023, and is subject to appropriation by the Legislature.

Law enforcement agencies will have access to the database. In addition, the alleged victim, who has reported the crime to law enforcement, will have the ability to access the database. The victim will be able to follow his or her SAK from the collection site, to law enforcement agency storage, then to the crime laboratory for forensic testing and possible destruction after testing, or back to law enforcement agency storage. If the alleged victim is a minor, his or her parent, guardian, or legal representative will have access to the database. If the alleged victim is deceased, his or her personal representative will have access. The FDLE is required to ensure that each alleged victim or his or her representative is notified of the existence of the database and provided with instruction on how to access and utilize the database.

If there is a DNA match between the SAK evidence and a person whose DNA is stored in a local, state, or federal database and who may be a suspect or person of interest in the case, the alleged victim will be notified of the match, but not the person's genetic or other identifying information, via the newly-created statewide database. Notification of a match may be delayed for up to 180 days if notification would, in the opinion of the investigators, negatively affect the investigation.

Law enforcement agencies, medical facilities, crime laboratories, and any other facilities in the chain of custody of the SAKs must fully participate in the statewide database no later than 1 year after its creation. The FDLE must adopt rules establishing requirements for each of the entities participating in the database.

The FDLE may phase in initial participation and access to the new statewide SAK tracking database at its discretion and in the manner it chooses. All entities in the chain of custody of SAKs must fully participate in the statewide database no later than one year after its creation. The FDLE must apply for any available grant funds to assist in implementing the database.

The bill states that the act may be cited as "Gail's Law."

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0