

Committee on Criminal Justice

CS/HB 667 — Victims of Crime

by Criminal Justice Subcommittee and Reps. Baker, Yarkosky, and others (CS/CS/SB 510 by Rules Committee; Criminal Justice Committee; and Senator Burgess)

The bill amends s. 960.001, F.S., requiring a duty of candor to an alleged victim. The bill requires that each victim must be notified that he or she has the right, if contacted to obtain information relating to a criminal proceeding by an attorney, an investigator, or any other agent acting on behalf of the criminal defendant, to be informed of:

- The person's name and employer; and
- The fact that such person is acting on behalf of the defendant.

The bill amends s. 92.55, F.S., to provide that the court must conduct a hearing to determine whether it is appropriate to take a deposition of a victim of a sexual offense who is under the age of 16. The court must consider specific factors when determining whether the taking of a deposition is appropriate.

The bill provides that if the victim of a sexual offense is under the age of 12, there is a presumption that the taking of the victim's deposition is not appropriate if:

- The state has not filed a notice of intent to seek the death penalty; and
- A forensic interview of the sexual offense victim is available to the defendant.

The bill provides that if the court determines that the taking of the victim's deposition is appropriate, the court may order limitations or other specific conditions including, but not limited to:

- Requiring the defendant to submit questions to the court before the victim's deposition.
- Setting the appropriate place and conditions under which the victim may be deposed.
- Permitting and prohibiting the attendance of any person at the victim's deposition.
- Limiting the duration of the victim's deposition.
- Any other condition the court finds just and appropriate.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 36-4; House 112-0