

By Representative Morroni

1 A bill to be entitled
2 An act relating to time limitations upon
3 commencement of criminal prosecutions; amending
4 s. 775.15, F.S.; providing that prosecution is
5 commenced upon filing of the charging document
6 when the defendant has previously been arrested
7 or served with summons on the charge; providing
8 that, when the defendant charged by information
9 or indictment with a crime in this state has
10 not been so arrested or served, the failure to
11 execute process or extradite the defendant in
12 another state does not constitute unreasonable
13 delay; providing for inapplicability of a
14 limitation upon prosecution of a defendant who
15 has been timely charged but not arrested due to
16 absence from the state or not extradited, under
17 specified circumstances; reenacting s.
18 119.011(3) and 517.302(4), F.S., relating to
19 the definition of "criminal intelligence
20 information" for purposes of public records,
21 and criminal prosecution for offenses under
22 chapter 517, the Florida Securities and
23 Investor Protection Act, to incorporate said
24 amendment in references; providing an effective
25 date.

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

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29 Section 1. Subsections (5) and (6) of section 775.15,
30 Florida Statutes, 1996 Supplement, are amended to read:
31 775.15 Time limitations.--

1 (5)(a) Prosecution on a charge on which the defendant
2 has previously been arrested or served with a summons is
3 commenced by the filing of an indictment, information, or
4 other charging document.

5 (b) A prosecution on a charge on which the defendant
6 has not previously been arrested or served with a summons is
7 commenced when either an indictment or information is filed,
8 provided the capias, summons, or other process issued on such
9 indictment or information is executed without unreasonable
10 delay. In determining what is reasonable, inability to locate
11 the defendant after diligent search or the defendant's absence
12 from the state shall be considered. The failure to execute
13 process on or extradite a defendant in another state who has
14 been charged by information or indictment with a crime in this
15 state shall not constitute an unreasonable delay.

16 (c) If, however, an indictment or information has been
17 filed within the time period prescribed in this section and
18 the indictment or information is dismissed or set aside
19 because of a defect in its content or form after the time
20 period has elapsed, the period for commencing prosecution
21 shall be extended 3 months from the time the indictment or
22 information is dismissed or set aside.

23 (6) The period of limitation does not run during any
24 time when the defendant is continuously absent from the state
25 or has no reasonably ascertainable place of abode or work
26 within the state, ~~but in no case shall~~ This provision shall
27 not extend the period of limitation otherwise applicable by
28 more than 3 years, but shall not be construed to limit the
29 prosecution of a defendant who has been timely charged by
30 indictment or information or other charging document and who
31 has not been arrested due to his or her absence from this

1 state or has not been extradited for prosecution from another
2 state.

3 Section 2. For the purpose of incorporating the
4 amendment to section 775.15, Florida Statutes, 1996
5 Supplement, in references thereto, the sections or
6 subdivisions of Florida Statutes set forth below are reenacted
7 to read:

8 119.011 Definitions.--For the purpose of this chapter:

9 (3)(a) "Criminal intelligence information" means
10 information with respect to an identifiable person or group of
11 persons collected by a criminal justice agency in an effort to
12 anticipate, prevent, or monitor possible criminal activity.

13 (b) "Criminal investigative information" means
14 information with respect to an identifiable person or group of
15 persons compiled by a criminal justice agency in the course of
16 conducting a criminal investigation of a specific act or
17 omission, including, but not limited to, information derived
18 from laboratory tests, reports of investigators or informants,
19 or any type of surveillance.

20 (c) "Criminal intelligence information" and "criminal
21 investigative information" shall not include:

22 1. The time, date, location, and nature of a reported
23 crime.

24 2. The name, sex, age, and address of a person
25 arrested or of the victim of a crime except as provided in s.
26 119.07(3)(f).

27 3. The time, date, and location of the incident and of
28 the arrest.

29 4. The crime charged.

30 5. Documents given or required by law or agency rule
31 to be given to the person arrested, except as provided in s.

1 119.07(3)(f), and, except that the court in a criminal case
2 may order that certain information required by law or agency
3 rule to be given to the person arrested be maintained in a
4 confidential manner and exempt from the provisions of s.
5 119.07(1) until released at trial if it is found that the
6 release of such information would:

7 a. Be defamatory to the good name of a victim or
8 witness or would jeopardize the safety of such victim or
9 witness; and

10 b. Impair the ability of a state attorney to locate or
11 prosecute a codefendant.

12 6. Informations and indictments except as provided in
13 s. 905.26.

14 (d) The word "active" shall have the following
15 meaning:

16 1. Criminal intelligence information shall be
17 considered "active" as long as it is related to intelligence
18 gathering conducted with a reasonable, good faith belief that
19 it will lead to detection of ongoing or reasonably anticipated
20 criminal activities.

21 2. Criminal investigative information shall be
22 considered "active" as long as it is related to an ongoing
23 investigation which is continuing with a reasonable, good
24 faith anticipation of securing an arrest or prosecution in the
25 foreseeable future.

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27 In addition, criminal intelligence and criminal investigative
28 information shall be considered "active" while such
29 information is directly related to pending prosecutions or
30 appeals. The word "active" shall not apply to information in
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1 cases which are barred from prosecution under the provisions
2 of s. 775.15 or other statute of limitation.

3 517.302 Criminal penalties; alternative fine;
4 Anti-Fraud Trust Fund; time limitation for criminal
5 prosecution.--

6 (4) Criminal prosecution for offenses under this
7 chapter is subject to the time limitations of s. 775.15.

8 Section 3. This act shall take effect October 1, 1997.

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11 HOUSE SUMMARY

12 Provides that prosecution is commenced upon filing of the
13 charging document when the defendant has previously been
14 arrested or served with summons on the charge. Provides
15 that, when the defendant charged by information or
16 indictment with a crime in this state has not been so
17 arrested or served, the failure to execute process or
18 extradite the defendant in another state does not
19 constitute unreasonable delay. Provides for
20 inapplicability of a 3-year limitation period upon
21 prosecution of a defendant who has been timely charged
22 but not arrested due to absence from the state or not
23 extradited, under specified circumstances.
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