

By Senator Crist

20-302-98

See HB

1 A bill to be entitled
2 An act relating to claims for damages occurring
3 to a person engaged in criminal conduct;
4 creating the "Crime Victim's Protection Act";
5 creating s. 960.298, F.S.; barring recovery of
6 damages for personal injury or injury to
7 property in cases when the claimant has
8 incurred the damages while engaged in certain
9 criminal conduct and seeks recovery from the
10 person or other entity that was the victim or
11 object of the claimant's criminal conduct;
12 providing for the court to stay the civil
13 action during the pendency of the criminal
14 action which forms the basis for the defense;
15 providing an exception; providing for award of
16 attorney's fees, costs, and other expenses to
17 the victim or object of the claimant's criminal
18 conduct when the recovery is barred; providing
19 for applicability; providing an effective date.

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

23 Section 1. This act shall be cited as the "Crime
24 Victim's Protection Act."

25 Section 2. Section 960.298, Florida Statutes, is
26 created to read:

27 960.298 Recovery for injuries barred by claimant's
28 criminal conduct.--

29 (1) In any action to recover damages for personal
30 injury or injury to property, in the event that the personal
31 injury or injury to property occurred while the claimant was

1 engaged in conduct which constitutes a felony, or a
2 misdemeanor involving violence under the laws of this state,
3 or immediate flight therefrom and thereafter a conviction for
4 an offense arising out of such conduct was obtained against
5 the claimant, such criminal conduct shall bar recovery from
6 the person or other entity that was the victim or object of
7 the claimant's criminal conduct.

8 (2) Any civil action in which the defense recognized
9 by this section is raised shall be stayed by the court on the
10 motion of the civil defendant during the pendency of any
11 criminal action which forms the basis for the defense, unless
12 the court finds that a conviction in the criminal action would
13 not form a valid defense under this section.

14 (3) If recovery is barred by this section, the court
15 shall award reasonable attorney's fees, costs, and other
16 expenses to the civil defendant that was the victim or object
17 of the claimant's criminal conduct, including, but not limited
18 to, necessary travel expenses and other expenses incurred by
19 the civil defendant and the civil defendant's witnesses.

20 Section 3. This act shall take effect upon becoming a
21 law, and shall apply to injuries occurring on or after that
22 date.

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HOUSE SUMMARY

Creates the "Crime Victim's Protection Act." Bars recovery of damages for personal injury or injury to property from the person or other entity that was the victim or object of the claimant's criminal conduct, in cases when the claimant incurred the damages while engaged in certain criminal conduct. Provides for the court to stay the civil action during the pendency of the criminal action which forms the basis for the defense. Provides an exception. Provides for award of attorney's fees, costs, and other expenses to the victim or object of the claimant's criminal conduct when the recovery is barred.