

By Representative Fasano

1 A bill to be entitled
2 An act relating to time limitations for sexual
3 battery prosecutions; amending s. 775.15, F.S.;
4 providing an unlimited time period for the
5 commencement of prosecutions for first or
6 second degree felony violations of s. 794.011,
7 F.S., under certain circumstances; providing an
8 effective date.

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

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12 Section 1. Subsections (1) and (7) of section 775.15,
13 Florida Statutes, 1996 Supplement, are amended to read:

14 775.15 Time limitations.--

15 (1)(a) A prosecution for a capital felony, a life
16 felony, or a felony that resulted in a death may be commenced
17 at any time. If the death penalty is held to be
18 unconstitutional by the Florida Supreme Court or the United
19 States Supreme Court, all crimes designated as capital
20 felonies shall be considered life felonies for the purposes of
21 this section, and prosecution for such crimes may be commenced
22 at any time.

23 (b) Except as otherwise provided in subsection (7), a
24 prosecution for a first or second degree felony violation of
25 s. 794.011, if such crime is reported to a law enforcement
26 agency, hospital, clinic, or governmental agency within 72
27 hours after commission of the crime, may be commenced at any
28 time. If such crime is not reported within 72 hours after the
29 commission of the crime, the prosecution must be commenced
30 within the time periods prescribed in subsection (2).

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1 (7) If the victim of a violation of s. 794.011, former
2 s. 794.05, Florida Statutes 1995, s. 800.04, or s. 826.04 is
3 under the age of 16, the applicable period of limitation, if
4 any, does not begin to run until the victim has reached the
5 age of 16 or the violation is reported to a law enforcement
6 agency or other governmental agency, whichever occurs earlier.
7 Such law enforcement agency or other governmental agency shall
8 promptly report such allegation to the state attorney for the
9 judicial circuit in which the alleged violation occurred. If
10 the offense is a first or second degree felony violation of s.
11 794.011, and the crime is reported within 72 hours after its
12 commission, paragraph (1)(b) applies.This subsection applies
13 to any such offense except an offense the prosecution of which
14 would have been barred by subsection (2) on or before December
15 31, 1984.

16 Section 2. This act shall take effect October 1, 1997,
17 and shall apply to pending cases when the offense was reported
18 within 72 hours of its commission and with respect to which
19 the prosecution has not been barred prior to this date.

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22 HOUSE SUMMARY

23 Provides an unlimited time period for commencing
24 prosecution of certain sexual battery crimes constituting
25 first or second degree felony violations of section
26 794.011, Florida Statutes, under specified circumstances
when the crime has been reported within 72 hours of
commission.
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