Florida House of Representatives - 1997

CS/HB 245

By the Committee on Crime & Punishment and Representatives Fasano, Ball, Fischer, Feeney, Argenziano, Flanagan and Byrd

A bill to be entitled 1 An act relating to time limitations for sexual 2 3 battery prosecutions; amending s. 775.15, F.S.; providing an unlimited time period for the 4 commencement of prosecutions for first or 5 6 second degree felony violations of s. 794.011, 7 F.S., under certain circumstances; providing an 8 effective date. 9 Be It Enacted by the Legislature of the State of Florida: 10 11 Section 1. Subsections (1) and (7) of section 775.15, 12 13 Florida Statutes, 1996 Supplement, are amended to read: 775.15 Time limitations.--14 15 (1)(a) A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced 16 17 at any time. If the death penalty is held to be 18 unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital 19 20 felonies shall be considered life felonies for the purposes of this section, and prosecution for such crimes may be commenced 21 at any time. 22 23 (b) Except as otherwise provided in subsection (7), a prosecution for a first or second degree felony violation of 24 s. 794.011, if such crime is reported to a law enforcement 25 2.6 agency within 72 hours after commission of the crime, may be 27 commenced at any time. If such crime is not reported within 72 2.8 hours after the commission of the crime, the prosecution must be commenced within the time periods prescribed in subsection 29 30 (2). 31

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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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21	* * * * * * * * * * * * * * * * * * * *
22	HOUSE SUMMARY
23	Provides an unlimited time period for commencing
24	prosecution of certain sexual battery crimes constituting first or second degree felony violations of section
25	794.011, Florida Statutes, under specified circumstances
26	when the crime has been reported within 72 hours of commission.
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