

By Senators Klein and Brown-Waite

28-336-99

1                                   A bill to be entitled  
2           An act relating to trial testimony concerning  
3           sexual offenses; amending s. 918.16, F.S.;  
4           requiring that the court clear the courtroom at  
5           the request of a victim during his or her  
6           testimony concerning a sexual offense,  
7           regardless of the victim's age or mental  
8           capacity; providing certain exceptions;  
9           providing an effective date.

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

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13           Section 1. Section 918.16, Florida Statutes, is  
14 amended to read:

15           918.16 Sex offenses; testimony of person under age 16  
16 or person with mental retardation; testimony of victim;  
17 courtroom cleared; exceptions.--

18           (1) Except as provided in subsection (2), in the trial  
19 of any case, civil or criminal, when any person under the age  
20 of 16 or any person with mental retardation as defined in s.  
21 393.063(44) s. 393.063(41) is testifying concerning any sex  
22 offense, the court shall clear the courtroom of all persons  
23 except parties to the cause and their immediate families or  
24 guardians, attorneys and their secretaries, officers of the  
25 court, jurors, newspaper reporters or broadcasters, and court  
26 reporters, and at the request of the victim, victim or witness  
27 advocates designated by the state attorney's office.

28           (2) When the victim of a sex offense is testifying  
29 concerning that offense in any civil or criminal trial, the  
30 court shall clear the courtroom of all persons upon the  
31 request of the victim, regardless of his or her age or mental

1 capacity, except that parties to the cause and their immediate  
2 families or guardians, attorneys and their secretaries,  
3 officers of the court, jurors, newspaper reporters or  
4 broadcasters, court reporters, and, at the request of the  
5 victim, any victim or witness advocate designated by the state  
6 attorney may remain in the courtroom.

7 Section 2. This act shall take effect July 1, 1999.

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10 SENATE SUMMARY

11 Provides that, at the request of the victim of a sexual  
12 offense, the court must clear the courtroom during the  
13 victim's testimony, regardless of the victim's age or  
14 mental capacity. Specifies certain parties and officers  
15 of the court who may remain in the courtroom during the  
16 testimony.  
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