

By Representative Betancourt

1 A bill to be entitled
2 An act relating to character evidence; amending
3 s. 90.404, F.S.; providing that in certain
4 criminal prosecutions involving domestic
5 violence evidence of prior acts of domestic
6 violence by the defendant may be admissible;
7 providing an effective date.

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

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11 Section 1. Subsection (2) of section 90.404, Florida
12 Statutes, is amended to read:

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90.404 Character evidence; when admissible.--

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(2) OTHER CRIMES, WRONGS, OR ACTS.--

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(a)1. Similar fact evidence of other crimes, wrongs,
16 or acts is admissible when relevant to prove a material fact
17 in issue, such as proof of motive, opportunity, intent,
18 preparation, plan, knowledge, identity, or absence of mistake
19 or accident, but it is inadmissible when the evidence is
20 relevant solely to prove bad character or propensity.

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2. In criminal prosecutions involving domestic
22 violence wherein the defendant and the victim named in the
23 information or indictment are family or household members as
24 defined in s. 741.28(2), evidence of prior acts of domestic
25 violence by the defendant may be admissible provided the
26 probative value of such evidence is not outweighed by the
27 danger of unfair prejudice, confusion of the issues, or
28 misleading the jury. Upon admitting the evidence of prior acts
29 of domestic violence, the court shall instruct the jury as to
30 the limited purpose for which the evidence is admitted.

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1 (b)1. When the state in a criminal action intends to
2 offer evidence of other criminal offenses under paragraph (a),
3 no fewer than 10 days before trial, the state shall furnish to
4 the accused a written statement of the acts or offenses it
5 intends to offer, describing them with the particularity
6 required of an indictment or information. No notice is
7 required for evidence of offenses used for impeachment or on
8 rebuttal.

9 2. When the evidence is admitted, the court shall, if
10 requested, charge the jury on the limited purpose for which
11 the evidence is received and is to be considered. After the
12 close of the evidence, the jury shall be instructed on the
13 limited purpose for which the evidence was received and that
14 the defendant cannot be convicted for a charge not included in
15 the indictment or information.

16 Section 2. This act shall take effect October 1, 2001.

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19 HOUSE SUMMARY

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21 Provides that in described criminal prosecutions
22 involving domestic violence evidence of prior acts of
domestic violence by the defendant may be admissible. See
bill for details.

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