

By the Committee on Judicial Oversight and Representatives
Betancourt, Wiles, Kravitz, Lynn, Bucher and Gannon

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 convictions for or
6 acts resulting in an injunction for domestic
7 violence by the defendant may be admissible;
8 providing an 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. Subsection (2) of section 90.404, Florida
13 Statutes, is amended to read:

14 90.404 Character evidence; when admissible.--

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

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

22 2. In criminal prosecutions involving domestic
23 violence, as defined in s. 741.28(1), wherein the defendant
24 and the victim named in the information or indictment are
25 family or household members as defined in s. 741.28(2),
26 evidence of a prior conviction for or acts resulting in an
27 injunction for domestic violence by the defendant may be
28 admissible provided the probative value of such evidence is
29 not outweighed by the danger of unfair prejudice, confusion of
30 the issues, or misleading the jury. Upon admitting the
31 evidence of prior convictions for or acts resulting in an

1 injunction for domestic violence, the court shall instruct the
2 jury as to the limited purpose for which the evidence is
3 admitted.

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

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

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