

By Representative Cusack

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 revising the victim's age at which the time
5 limitations begin to run for prosecution of
6 specified sexual crimes; providing an effective
7 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 (7) of section 775.15, Florida
12 Statutes, is amended to read:

13 775.15 Time limitations.--

14 (1)

15 (b) Except as otherwise provided in subsection (7), a
16 prosecution for a first or second degree felony violation of
17 s. 794.011, if such crime is reported to a law enforcement
18 agency within 72 hours after commission of the crime, may be
19 commenced at any time. If such crime is not reported within 72
20 hours after the commission of the crime, the prosecution must
21 be commenced within the time periods prescribed in subsection
22 (2).

23 (2) Except as otherwise provided in this section,
24 prosecutions for other offenses are subject to the following
25 periods of limitation:

26 (a) A prosecution for a felony of the first degree
27 must be commenced within 4 years after it is committed.

28 (b) A prosecution for any other felony must be
29 commenced within 3 years after it is committed.

30 (c) A prosecution for a misdemeanor of the first
31 degree must be commenced within 2 years after it is committed.

1 (d) A prosecution for a misdemeanor of the second
2 degree or a noncriminal violation must be commenced within 1
3 year after it is committed.

4 (e) A prosecution for a felony violation of chapter
5 517 or s. 409.920 must be commenced within 5 years after the
6 violation is committed.

7 (f) A prosecution for a felony violation of chapter
8 403 must be commenced within 5 years after the date of
9 discovery of the violation.

10 (g) A prosecution for a felony violation of s. 825.102
11 must be commenced within 4 years after it is committed.

12 (h) A prosecution for a felony violation of ss.
13 440.105 and 817.234 must be commenced within 5 years after the
14 violation is committed.

15 (7) If the victim of a violation of s. 794.011, former
16 s. 794.05, Florida Statutes 1995, s. 800.04, or s. 826.04 is
17 under the age of 18 ~~16~~, the applicable period of limitation,
18 if any, does not begin to run until the victim has reached the
19 age of 18 ~~16~~ or the violation is reported to a law enforcement
20 agency or other governmental agency, whichever occurs earlier.
21 Such law enforcement agency or other governmental agency shall
22 promptly report such allegation to the state attorney for the
23 judicial circuit in which the alleged violation occurred. If
24 the offense is a first or second degree felony violation of s.
25 794.011, and the crime is reported within 72 hours after its
26 commission, paragraph (1)(b) applies. This subsection applies
27 to any such offense except an offense the prosecution of which
28 would have been barred by subsection (2) on or before December
29 31, 1984.

30 Section 2. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

Revises the victim's age at which the statute of
limitations begins to run for prosecution of specified
sexual crimes.