

By Senator Klein

28-1018A-02

See HB 823

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A bill to be entitled

An act relating to sexual battery; amending s. 775.15, F.S.; providing that prosecution for a sexual battery may be commenced at any time when a DNA record exists with respect to the felony and the record is properly maintained by the appropriate agency; providing definitions; providing an effective date.

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

Section 1. Subsection (1) of section 775.15, Florida Statutes, is amended to read:

775.15 Time limitations.--

(1)(a) A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced at any time. A prosecution for a felony that resulted in injury to any person, when such felony arises from the use of a "destructive device," as defined in s. 790.001, may be commenced within 10 years. If the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies shall be considered life felonies for the purposes of this section, and prosecution for such crimes may be commenced at any time.

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

1 be commenced within the time periods prescribed in subsection
2 (2).

3 (c) A prosecution for perjury in an official
4 proceeding that relates to the prosecution of a capital felony
5 may be commenced at any time.

6 (d)1. A prosecution for sexual battery under s.
7 794.011 may be commenced at any time when a DNA record exists
8 in connection with the felony and is properly maintained by
9 the department responsible for the record. For the purposes of
10 this paragraph the collection and maintenance of the DNA
11 record and the analysis on materials derived from the human
12 body is performed for the use as evidence in a criminal
13 proceeding or for the purposes of identification and is
14 conducted at a compatible forensic level used by other
15 criminal justice agencies or their designated or approved
16 private testing laboratories to support the statistical
17 interpretation of results.

18 2. For the purposes of this paragraph:

19 a. "DNA" means deoxribonucleic acid.

20 b. "Department" means the authorized agency
21 responsible for maintaining the DNA identification system
22 and/or DNA database.

23 c. "DNA record" means DNA identification information
24 stored in the DNA database for purposes of department
25 identification index and establishing identification
26 information in connection with law enforcement investigations
27 or supporting statistical interpretation of the results of DNA
28 analysis, such as the numerical representation of DNA fragment
29 lengths, autoradiographs, and the digital image of
30 autoradiographs, and discrete allele assignment numbers.

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1 Section 2. This act shall take effect upon becoming a
2 law.

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5 HOUSE SUMMARY

6 Provides that a prosecution for sexual battery may be
7 commenced at any time after the crime is committed when a
8 DNA record exists in connection with the felony and is
9 properly maintained by the appropriate agency. See bill
10 for details.

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