

By Representative Paul

1                                   A bill to be entitled  
2           An act relating to sexual offenses; amending  
3           ss. 794.011 and 800.04, F.S.; prohibiting a  
4           defense based upon consent with respect to  
5           sexual battery or certain lewd or lascivious  
6           offenses under certain circumstances; providing  
7           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 (11) is added to section  
12   794.011, Florida Statutes, to read:

13           794.011 Sexual battery.--

14           (11) There shall be no defense to a charge of sexual  
15 battery based upon consent when the accused is 16 years of age  
16 or older and the accused knew or had reason to know that the  
17 victim was mentally disabled when the victim's effective  
18 mentality was less than 18 years of age at the time of the  
19 offense.

20           Section 2. Subsection (2) of section 800.04, Florida  
21   Statutes, is amended to read:

22           800.04 Lewd or lascivious offenses committed upon or  
23   in the presence of persons less than 16 years of age.--

24           (2) PROHIBITED DEFENSES.--Neither the victim's lack of  
25   chastity nor the victim's consent is a defense to the crimes  
26   proscribed by this section. There shall be no defense to the  
27 crimes proscribed by this section based upon consent when the  
28 accused is 16 years of age or older and the accused knew or  
29 had reason to know that the victim was mentally disabled when  
30 the victim's effective mentality was less than 18 years of age  
31 at the time of the offense.

1           Section 3. This act shall take effect July 1, 2002.

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HOUSE SUMMARY

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Provides that there shall be no defense to a charge of sexual battery or described lewd or lascivious offenses based upon consent when the accused is 16 years of age or older and the accused knew or had reason to know that the victim was mentally disabled and the victim's effective mentality was less than 18 years of age at the time of the offense.

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