

By the Committee on Criminal Justice; and Senators Miller and
Lawson

307-1901-02

1 A bill to be entitled
2 An act relating to limitation of actions;
3 amending s. 775.15, F.S.; providing that
4 certain time limitations for prosecuting a
5 crime do not apply if the alleged perpetrator
6 is identified, after the expiration of such
7 applicable time period, by analysis of DNA
8 collected during the investigation of a crime
9 or otherwise made available to a law
10 enforcement agency; providing an effective
11 date.

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

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15 Section 1. Subsection (3) of section 775.15, Florida
16 Statutes, is amended to read:

17 775.15 Time limitations.--

18 (3) If the period prescribed in subsection (2) has
19 expired, a prosecution may nevertheless be commenced for:

20 (a) Any offense, a material element of which is either
21 fraud or a breach of fiduciary obligation, within 1 year after
22 discovery of the offense by an aggrieved party or by a person
23 who has a legal duty to represent an aggrieved party and who
24 is himself or herself not a party to the offense, but in no
25 case shall this provision extend the period of limitation
26 otherwise applicable by more than 3 years.

27 (b) Any offense based upon misconduct in office by a
28 public officer or employee at any time when the defendant is
29 in public office or employment, within 2 years from the time
30 he or she leaves public office or employment, or during any

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1 time permitted by any other part of this section, whichever
2 time is greater.

3 (c) Any offense for which the identity of the alleged
4 perpetrator is confirmed after the expiration of such
5 applicable time period, and the confirmation is through DNA
6 (deoxyribonucleic acid) analysis from a specimen or specimens
7 collected during the investigation of a crime or otherwise
8 made available to a law enforcement agency, when such
9 information was not known to or in the possession of the
10 agency prior to the expiration of the applicable time period.

11 Section 2. This act shall take effect July 1, 2002.

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 300

- 16 - Clarifies that if the identity of the perpetrator is
17 confirmed, through the use of DNA evidence, after the
18 normal Statute of Limitations has run, the prosecution
19 may still be commenced.
20 - Clarifies that the provision does not limit the DNA
21 evidence to only evidence that was gathered at the crime
22 scene by law enforcement personnel; it includes
23 specimens otherwise made available to law enforcement.
24 - This change allows for evidence that is not found at the
25 actual scene of the crime to be used as the source of
26 identification and allow for the source of the DNA
27 evidence to come to the attention of law enforcement
28 through other means, rather than the traditional
29 "evidence gathering."
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