

By Senator Wasserman Schultz

32-853-02

See HB 163

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A bill to be entitled

An act relating to sexual offenses; amending ss. 794.011 and 800.04, F.S.; prohibiting a defense based upon consent with respect to sexual battery or certain lewd or lascivious offenses under certain circumstances; providing an effective date.

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

Section 1. Subsection (11) is added to section 794.011, Florida Statutes, to read:

794.011 Sexual battery.--

(11) There shall be no defense to a charge of sexual battery 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 when the victim's effective mentality was less than 18 years of age at the time of the offense.

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

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

(2) PROHIBITED DEFENSES.--Neither the victim's lack of chastity nor the victim's consent is a defense to the crimes proscribed by this section. There shall be no defense to the crimes proscribed by this section 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 when the victim's effective mentality was less than 18 years of age at the time of the offense.

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

HOUSE SUMMARY

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.