

By Senator Webster

9-814A-03

See HB 747

1                                   A bill to be entitled  
2           An act relating to time limitations for  
3           prosecution of sexual battery; amending s.  
4           775.15, F.S.; revising provisions with respect  
5           to time limitations for a prosecution of the  
6           crime of sexual battery; 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. Subsections (1) and (7) of section 775.15,  
12   Florida Statutes, are amended to read:

13           775.15 Time limitations.--

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

25           (b) Except as otherwise provided in subsection (7), a  
26   prosecution for a ~~first~~ or second degree felony violation of  
27   s. 794.011, if such crime is reported to a law enforcement  
28   agency within 72 hours after commission of the crime, may be  
29   commenced at any time. If such crime is not reported within 72  
30   hours after the commission of the crime, the prosecution must  
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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 |         (7)(a) If the victim of a violation of s. 794.011,  
7 | former s. 794.05, Florida Statutes 1995, s. 800.04, or s.  
8 | 826.04 is under the age of 18, the applicable period of  
9 | limitation, if any, does not begin to run until the victim has  
10 | reached the age of 18 or the violation is reported to a law  
11 | enforcement agency or other governmental agency, whichever  
12 | occurs earlier. Such law enforcement agency or other  
13 | governmental agency shall promptly report such allegation to  
14 | the state attorney for the judicial circuit in which the  
15 | alleged violation occurred. If the offense is a ~~first or~~  
16 | second degree felony violation of s. 794.011, and the crime is  
17 | reported within 72 hours after its commission, paragraph  
18 | (1)(b) applies. This paragraph ~~subsection~~ applies to any such  
19 | offense except an offense the prosecution of which would have  
20 | been barred by subsection (2) on or before December 31, 1984.

21 |         (b) If the offense is a first-degree felony violation  
22 | of s. 794.011, a prosecution of the offense may be commenced  
23 | at any time. This paragraph applies to any such offense except  
24 | an offense the prosecution of which would have been barred by  
25 | subsection (2) on or before October 1, 2003.

26 |         Section 2. This act shall take effect October 1, 2003.  
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