

By the Committee on Judiciary; and Senators Webster, Fasano and Lynn

308-2122-03

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A bill to be entitled  
An act relating to time limitations for  
prosecution of sexual battery; amending s.  
775.15, F.S.; revising provisions with respect  
to time limitations for the prosecution of a  
first-degree felony offense of sexual battery  
against a victim under the age of 18; providing  
an effective date.

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

Section 1. Subsections (1) and (7) of section 775.15,  
Florida Statutes, are 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 |       (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 and the victim is under the age of 18 at the  
23 | time of the offense, a prosecution of the offense may be  
24 | commenced at any time. This paragraph applies to any such  
25 | offense except an offense the prosecution of which would have  
26 | been barred by subsection (2) on or before October 1, 2003.

27 |       Section 2. This act shall take effect October 1, 2003.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1734

Clarifies that the removal of any statute of limitations period for prosecution of first degree felony offenses of sexual battery under s. 794.011, F.S., only applies to cases involving victims who were under age 18 at the time of the offenses.