

By Senator Campbell

32-1465A-03

1 A bill to be entitled
2 An act relating to the offense of sexual
3 battery on a minor; amending s. 775.15, F.S.;
4 revising the statute of limitations applicable
5 to such offense if the offense is a
6 third-degree felony; providing for the statute
7 of limitations for the offense of sexual
8 battery on a minor to be tolled during the
9 period of a victim's minority; specifying
10 additional circumstances under which the
11 statute of limitations for a civil or criminal
12 action involving such offense is tolled;
13 providing an effective date.

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

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17 Section 1. Subsection (7) of section 775.15, Florida
18 Statutes, is amended to read:

19 775.15 Time limitations.--

20 (7) If the victim of a violation of s. 794.011, former
21 s. 794.05, Florida Statutes 1995, s. 800.04, or s. 826.04 is
22 under the age of 18, the applicable period of limitation, if
23 any, does not begin to run until the victim has reached the
24 age of 18 or the violation is reported to a law enforcement
25 agency or other governmental agency, whichever occurs earlier.
26 Such law enforcement agency or other governmental agency shall
27 promptly report such allegation to the state attorney for the
28 judicial circuit in which the alleged violation occurred. If
29 the offense is a first, ~~or~~ second, or third degree felony
30 violation of s. 794.011, and the crime is reported within 72
31 hours after its commission, paragraph (1)(b) applies. This

1 subsection applies to any such offense except an offense the
2 prosecution of which would have been barred by subsection (2)
3 on or before December 31, 1984.

4 Section 2. Statute of limitations tolled in cases of
5 sexual battery on a minor.--The applicable statute of
6 limitations for any civil or criminal action involving the
7 offense of sexual battery on a minor shall be tolled during
8 the period of the victim's minority and during any period in
9 which it is therapeutically determined that:

10 (1) The victim is unable to disclose information
11 concerning the incident at issue outside of a clinical
12 setting;

13 (2) It is inadvisable for the victim to confront the
14 perpetrator; or

15 (3) It is medically inadvisable for the victim to
16 disclose publicly the incident at issue.

17 Section 3. This act shall take effect July 1, 2003.

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20 SENATE SUMMARY

21 Revises the statute of limitations for a third-degree
22 felony offense of sexual battery on a minor. Provides for
23 the statute of limitations to be tolled during the period
24 of a victim's minority and under certain additional
25 circumstances.

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