

By Senator Miller

18-50-03

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 of an offense of sexual battery is identified,
7 after the expiration of such applicable time
8 period, by analysis of DNA collected during the
9 investigation of a crime or otherwise made
10 available to a law enforcement agency;
11 providing an effective 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 of sexual battery under s. 794.011 for
4 which the identity of the alleged perpetrator is determined
5 after the period of limitations has expired and the
6 perpetrator's identity is confirmed through DNA
7 (deoxyribonucleic acid) analysis from a specimen collected
8 during the investigation of a crime or otherwise made
9 available to a law enforcement agency, if the information was
10 not known to or was not in the possession of the agency for
11 analysis before the applicable period of limitations expired.
12 This DNA information may be used as evidence in a criminal
13 proceeding or for the purpose of identification.

14 Section 2. This act shall take effect July 1, 2003.

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17 SENATE SUMMARY

18 Provides that the statute of limitations does not apply
19 to an offense of sexual battery if the alleged
20 perpetrator is identified by DNA evidence that was not
21 known to or in the possession of a law enforcement agency
22 before the applicable period of limitations expired.
23 Provides for the DNA information to be used as evidence
24 or for identification purposes.
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