



HB 0747

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A bill to be entitled  
An act relating to sexual battery time limitations;  
amending s. 775.15, F.S.; revising language with respect  
to time limitations for a prosecution of the crime of  
sexual battery; 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 be commenced  
within the time periods prescribed in subsection (2).



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29 (c) A prosecution for perjury in an official proceeding  
30 that relates to the prosecution of a capital felony may be  
31 commenced at any time.

32 (7)(a) If the victim of a violation of s. 794.011, former  
33 s. 794.05, Florida Statutes 1995, s. 800.04, or s. 826.04 is  
34 under the age of 18, the applicable period of limitation, if  
35 any, does not begin to run until the victim has reached the age  
36 of 18 or the violation is reported to a law enforcement agency  
37 or other governmental agency, whichever occurs earlier. Such law  
38 enforcement agency or other governmental agency shall promptly  
39 report such allegation to the state attorney for the judicial  
40 circuit in which the alleged violation occurred. If the offense  
41 is a ~~first or~~ second degree felony violation of s. 794.011, and  
42 the crime is reported within 72 hours after its commission,  
43 paragraph (1)(b) applies. This paragraph subsection applies to  
44 any such offense except an offense the prosecution of which  
45 would have been barred by subsection (2) on or before December  
46 31, 1984.

47 (b) If the offense is a first degree felony violation of  
48 s. 794.011, a prosecution of the offense may be commenced at any  
49 time. This paragraph applies to any such offense except an  
50 offense the prosecution of which would have been barred by  
51 subsection (2) on or before October 1, 2003.

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