



1 A bill to be entitled

2 An act relating to sexual battery time limitations;  
3 amending s. 775.15, F.S.; revising language with respect  
4 to time limitations for a prosecution of the crime of  
5 sexual battery; providing an effective date.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

9 Section 1. Subsection (1) of section 775.15, Florida  
10 Statutes, is reenacted and subsection (7) of said section is  
11 amended to read:

12 775.15 Time limitations.--

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

23 (b) Except as otherwise provided in subsection (7), a  
24 prosecution for a first or second degree felony violation of s.  
25 794.011, if such crime is reported to a law enforcement agency  
26 within 72 hours after commission of the crime, may be commenced  
27 at any time. If such crime is not reported within 72 hours after  
28 the commission of the crime, the prosecution must be commenced  
29 within the time periods prescribed in subsection (2).

30 (c) A prosecution for perjury in an official proceeding



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31 that relates to the prosecution of a capital felony may be  
32 commenced at any time.

33 (7)(a) If the victim of a violation of s. 794.011, former  
34 s. 794.05, Florida Statutes 1995, s. 800.04, or s. 826.04 is  
35 under the age of 18, the applicable period of limitation, if  
36 any, does not begin to run until the victim has reached the age  
37 of 18 or the violation is reported to a law enforcement agency  
38 or other governmental agency, whichever occurs earlier. Such law  
39 enforcement agency or other governmental agency shall promptly  
40 report such allegation to the state attorney for the judicial  
41 circuit in which the alleged violation occurred. If the offense  
42 is a first or second degree felony violation of s. 794.011, and  
43 the crime is reported within 72 hours after its commission,  
44 paragraph (1)(b) applies. This paragraph ~~subsection~~ applies to  
45 any such offense except an offense the prosecution of which  
46 would have been barred by subsection (2) on or before December  
47 31, 1984.

48 (b) Notwithstanding the provisions of paragraph (1)(b) and  
49 paragraph (a) of this subsection, if the offense is a first  
50 degree felony violation of s. 794.011 and the victim was under  
51 18 years of age at the time the offense was committed, a  
52 prosecution of the offense may be commenced at any time. This  
53 paragraph applies to any such offense except an offense the  
54 prosecution of which would have been barred by subsection (2) on  
55 or before October 1, 2003.

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