

HB 1149

2004

1 A bill to be entitled
 2 An act relating to criminal prosecutions; creating s.
 3 918.19, F.S.; prescribing rights of the prosecution in
 4 closing arguments; repealing Rule 3.250, Florida Rules of
 5 Criminal Procedure, relating to the accused as a witness
 6 and being entitled to concluding arguments before the
 7 jury, to the extent of inconsistency with the act;
 8 providing an effective date.

9
 10 WHEREAS, the common law rule in criminal and civil cases
 11 granted the right to final closing argument to the party bearing
 12 the burden of proof, and

13 WHEREAS, the state has the burden of proving guilt beyond a
 14 reasonable doubt in criminal cases, and

15 WHEREAS, the Federal Rules of Criminal Procedure grant the
 16 right to final closing argument to the party which bears the
 17 burden of proof, and

18 WHEREAS, other states follow the common law rule in
 19 granting the right to final closing argument to the party
 20 bearing the burden of proof in civil and criminal cases, NOW,
 21 THEREFORE,

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Section 918.19, Florida Statutes, is created to
 26 read:

27 918.19 Closing argument.--As provided in the common law,
 28 in criminal prosecutions after the closing of evidence:

HB 1149

2004

29 (1) The prosecuting attorney shall open the closing
30 arguments.

31 (2) The accused or the attorney for the accused may reply.

32 (3) The prosecuting attorney may reply in rebuttal.

33 Section 2. Rule 3.250, Florida Rules of Criminal
34 Procedure, is hereby repealed to the extent it is inconsistent
35 with this act.

36 Section 3. This act shall take effect upon becoming a law,
37 except that section 2 of this act shall take effect only if this
38 act passed by a two-thirds vote of the membership of each house
39 of the Legislature.