

Bill No. SB 1522

Barcode 334686

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Smith) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (15) of section 775.15, Florida Statutes, is amended, and subsection (16) is added to that section, to read:

775.15 Time limitations; general time limitations; exceptions.--

(15)(a) In addition to the time periods prescribed in this section, a prosecution for any of the following offenses may be commenced within 1 year after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence, if a sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and available for testing by the accused:

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1           1. An offense of sexual battery under chapter 794.

2           2. A lewd or lascivious offense under s. 800.04 or s.  
3 825.1025.

4           (b) This subsection applies to any offense that is not  
5 otherwise barred from prosecution between ~~on or after~~ July 1,  
6 2004, and June 30, 2006.

7           (16)(a) In addition to the time periods prescribed in  
8 this section, a prosecution for any of the following offenses  
9 may be commenced at any time after the date on which the  
10 identity of the accused is established, or should have been  
11 established by the exercise of due diligence, through the  
12 analysis of deoxyribonucleic acid (DNA) evidence, if a  
13 sufficient portion of the evidence collected at the time of  
14 the original investigation and tested for DNA is preserved and  
15 available for testing by the accused:

16           1. Aggravated battery or any felony battery offense  
17 under chapter 784.

18           2. Kidnapping under s. 787.01 or false imprisonment  
19 under s. 787.02.

20           3. An offense of sexual battery under chapter 794.

21           4. A lewd or lascivious offense under s. 800.04 or s.  
22 825.1025.

23           5. A burglary offense under s. 810.02.

24           6. A robbery offense under s. 812.13, s. 812.131, or  
25 s. 812.135.

26           7. Carjacking under s. 812.133.

27           8. Aggravated child abuse under s. 827.03.

28           (b) This subsection applies to any offense that is not  
29 otherwise barred from prosecution on or after July 1, 2006.

30           Section 2. This act shall take effect July 1, 2006.

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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6                           A bill to be entitled

7           An act relating to time limitations for  
8           criminal prosecutions; amending s. 775.15,  
9           F.S.; specifying the applicability period of a  
10          provision allowing an additional limitations  
11          period for specified offenses in certain  
12          circumstances; providing that a prosecution for  
13          specified offenses, unless otherwise barred by  
14          law, may be commenced at any time after the  
15          date on which the identity of the accused is  
16          established, or should have been established by  
17          the exercise of due diligence, through the  
18          analysis of deoxyribonucleic acid (DNA)  
19          evidence; providing an effective date.

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