

By Senator Diaz de la Portilla

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A bill to be entitled

An act relating to time limitations for criminal prosecutions; amending s. 775.15, F.S.; providing that a prosecution for certain specified offenses, unless otherwise barred by law, 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; providing an effective date.

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

Section 1. Subsection (15) of section 775.15, Florida Statutes, is amended 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:

- 1. An offense of sexual battery under chapter 794.
- 2. A lewd or lascivious offense under s. 800.04 or s. 825.1025.

1 3. Aggravated battery or any felony battery offense
2 under chapter 784.

3 4. Kidnapping under s. 787.01 or false imprisonment
4 under s. 787.02.

5 5. A burglary offense under s. 810.02.

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

8 7. Carjacking under s. 812.133.

9 8. Aggravated child abuse under s. 827.03.

10 (b) This subsection applies to any offense in
11 subparagraph 1. or subparagraph 2. which ~~that~~ is not otherwise
12 barred from prosecution on or after July 1, 2004, and applies
13 to any offense in subparagraph (a)3. through subparagraph
14 (a)8. which is not otherwise barred from prosecution on or
15 after July 1, 2006.

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

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19 SENATE SUMMARY

20 Provides that a prosecution for certain specified
21 offenses, unless otherwise barred by law, may be
22 commenced within 1 year after the date on which the
23 identity of the accused is established, or should have
24 been established by the exercise of due diligence,
25 through the analysis of deoxyribonucleic acid (DNA)
26 evidence.
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