$\mathbf{B}\mathbf{y}$ the Committee on Criminal Justice; and Senator Diaz de la Portilla

591-2455-06

1	A bill to be entitled
2	An act relating to time limitations for
3	criminal prosecutions; amending s. 775.15,
4	F.S.; specifying the applicability period of a
5	provision allowing an additional limitations
6	period for specified offenses in certain
7	circumstances; providing that a prosecution for
8	specified offenses, unless otherwise barred by
9	law, may be commenced at any time after the
10	date on which the identity of the accused is
11	established, or should have been established by
12	the exercise of due diligence, through the
13	analysis of deoxyribonucleic acid (DNA)
14	evidence; providing an effective date.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. Subsection (15) of section 775.15, Florida
19	Statutes, is amended, and subsection (16) is added to that
20	section, to read:
21	775.15 Time limitations; general time limitations;
22	exceptions
23	(15)(a) In addition to the time periods prescribed in
24	this section, a prosecution for any of the following offenses
25	may be commenced within 1 year after the date on which the
26	identity of the accused is established, or should have been
27	established by the exercise of due diligence, through the
28	analysis of deoxyribonucleic acid (DNA) evidence, if a
29	sufficient portion of the evidence collected at the time of
30	the original investigation and tested for DNA is preserved and
31	available for testing by the accused:

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CODING: Words stricken are deletions; words underlined are additions.

1. An offense of sexual battery under chapter 794. 2 2. A lewd or lascivious offense under s. 800.04 or s. 825.1025. 3 4 (b) This subsection applies to any offense that is not otherwise barred from prosecution between on or after July 1, 5 2004, and June 30, 2006. 7 (16)(a) In addition to the time periods prescribed in this section, a prosecution for any of the following offenses 8 may be commenced at any time after the date on which the 9 identity of the accused is established, or should have been 10 established by the exercise of due diligence, through the 11 analysis of deoxyribonucleic acid (DNA) evidence, if a 12 13 sufficient portion of the evidence collected at the time of the original investigation and tested for DNA is preserved and 14 available for testing by the accused: 15 16 1. Aggravated battery or any felony battery offense 17 under chapter 784. 18 2. Kidnapping under s. 787.01 or false imprisonment under s. 787.02. 19 3. An offense of sexual battery under chapter 794. 20 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. 6. A robbery offense under s. 812.13, s. 812.131, or 2.4 s. 812.135. 2.5 7. Carjacking under s. 812.133. 26 27 8. Aggravated child abuse under s. 827.03. 2.8 (b) This subsection applies to any offense that is not otherwise barred from prosecution on or after July 1, 2006. 29 30 Section 2. This act shall take effect July 1, 2006. 31

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	<u>Senate Bill 1522</u>
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4	The CS eliminates, where identity of the perpetrator is established through DNA evidence, the current Statutes of
amending subsection (15), and creating a new subsection (1	Limitation for certain personal crimes of violence by further amending subsection (15), and creating a new subsection (16) of s. 775.15, F.S. The original bill provided that prosecution
7	may commence within one year of the identity being established.
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