

By Senator Wise

5-606-06

See HB 147

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A bill to be entitled

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

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

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

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

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

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

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

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

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

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

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

4 Section 2. Rule 3.250, Florida Rules of Criminal
5 Procedure, is repealed to the extent that it is inconsistent
6 with this act.

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

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