

HB 7177

2006

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

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

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

19 775.15 Time limitations; general time limitations;
 20 exceptions.--

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

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29 | accused:

- 30 | 1. An offense of sexual battery under chapter 794.
- 31 | 2. A lewd or lascivious offense under s. 800.04 or s.
- 32 | 825.1025.

33 | (b) This subsection applies to any offense that is not
 34 | otherwise barred from prosecution between ~~on or after~~ July 1,
 35 | 2004, and June 30, 2006.

36 | (16) (a) In addition to the time periods prescribed in this
 37 | section, a prosecution for any of the following offenses may be
 38 | commenced at any time after the date on which the identity of
 39 | the accused is established, or should have been established by
 40 | the exercise of due diligence, through the analysis of
 41 | deoxyribonucleic acid (DNA) evidence, if a sufficient portion of
 42 | the evidence collected at the time of the original investigation
 43 | and tested for DNA is preserved and available for testing by the
 44 | accused:

- 45 | 1. Aggravated battery or any felony battery offense under
 46 | chapter 784.
- 47 | 2. Kidnapping under s. 787.01 or false imprisonment under
 48 | s. 787.02.
- 49 | 3. An offense of sexual battery under chapter 794.
- 50 | 4. A lewd or lascivious offense under s. 800.04 or s.
 51 | 825.1025.
- 52 | 5. A burglary offense under s. 810.02.
- 53 | 6. A robbery offense under s. 812.13, s. 812.131, or s.
 54 | 812.135.
- 55 | 7. Carjacking under s. 812.133.
- 56 | 8. Aggravated child abuse under s. 827.03.

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

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