

ENROLLED
HB 7177

2006 Legislature

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.