

By the Committee on Criminal Justice; and Senator Oelrich

591-2612-07

1                                   A bill to be entitled

2           An act relating to victims of crime; creating

3           s. 843.21, F.S.; providing a short title;

4           prohibiting the deprivation of medical care to

5           a person injured as a result of criminal

6           activity with the intent to avoid, delay,

7           hinder, or obstruct any investigation of the

8           criminal activity leading to the injury;

9           providing penalties; amending s. 960.03, F.S.;

10          redefining the term "crime" to include the

11          offense of vehicular homicide in the second

12          degree as an eligible offense for which an

13          innocent victim may collect compensation;

14          amending s. 960.065, F.S.; providing that a

15          person who offers testimony of other crimes is

16          eligible to receive a compensation award;

17          amending s. 960.07, F.S.; revising the

18          timeframe to file certain claims for

19          compensation; providing effective dates.

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

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23           Section 1.   Effective October 1, 2007, section 843.21,

24   Florida Statutes, is created to read:

25           843.21   Depriving person injured by crime of medical

26   care.--

27           (1)   This section may be cited as the "Frank Pacheco

28   Aid to Victims Act."

29           (2)   A person who takes custody of or exercises control

30   over a person he or she knows to be injured as a result of

31   criminal activity and deprives that person of medical care

1 with the intent to avoid, delay, hinder, or obstruct any  
2 investigation of the criminal activity contributing to the  
3 injury commits:

4 (a) If the victim's medical condition worsens as a  
5 result of the deprivation of medical care a felony of the  
6 third degree, punishable as provided in s. 775.082, s.  
7 775.083, or s. 775.084.

8 (b) If deprivation of medical care contributes or  
9 results in the death of the victim, a felony of the second  
10 degree, punishable as provided in s. 775.082, s. 775.083, or  
11 s. 775.084.

12 Section 2. Paragraph (b) of subsection (3) of section  
13 960.03, Florida Statutes, is amended to read:

14 960.03 Definitions; ss. 960.01-960.28.--As used in ss.  
15 960.01-960.28, unless the context otherwise requires, the  
16 term:

17 (3) "Crime" means:

18 (b) A violation of s. 316.193, s. 316.027(1), s.  
19 327.35(1), s. 782.071 ~~s. 782.071(1)(b)~~, or s. 860.13(1)(a)  
20 which results in physical injury or death; however, no other  
21 act involving the operation of a motor vehicle, boat, or  
22 aircraft which results in injury or death shall constitute a  
23 crime for the purpose of this chapter unless the injury or  
24 death was intentionally inflicted through the use of such  
25 vehicle, boat, or aircraft or unless such vehicle, boat, or  
26 aircraft is an implement of a crime to which this act applies.

27 Section 3. Subsection (1) of section 960.065, Florida  
28 Statutes, is amended to read:

29 960.065 Eligibility for awards.--  
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1           (1) Except as provided in subsection (2), the  
2 following persons shall be eligible for awards pursuant to  
3 this chapter:

4           (a) A victim.

5           (b) An intervenor.

6           (c) A surviving spouse, parent or guardian, sibling,  
7 or child of a deceased victim or intervenor.

8           (d) Any other person who is dependent for his or her  
9 principal support upon a deceased victim or intervenor.

10          ~~(e) A person who is or was a victim in another crime~~  
11 ~~or case and whose testimony is proffered under s. 90.404(2).~~

12          Section 4. Subsection (2) of section 960.07, is  
13 amended to read:

14          960.07 Filing of claims for compensation.--

15          (2) Except as provided in subsection (3), a claim must  
16 be filed not later than 1 year after:

17           (a) The occurrence of the crime upon which the claim  
18 is based.

19           (b) The death of the victim or intervenor.

20           (c) The death of the victim or intervenor is  
21 determined to be the result of a crime, and the crime occurred  
22 after June 30, 1994.

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24 However, for good cause the department may extend the time for  
25 filing for a period not exceeding 2 years after such  
26 occurrence. For crimes occurring between June 30, 1994, and  
27 June 30, 2007, the department may also extend until June 30,  
28 2008, the time for filing if the claimant is a victim of an  
29 attempt to commit murder and is rendered a paraplegic  
30 requiring life-supporting or life-sustaining equipment as  
31 defined in s. 400.925 as a result of the crime.

1           Section 5. Except as otherwise expressly provided in  
2 this act, this act shall take effect July 1, 2007.

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4           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5           COMMITTEE SUBSTITUTE FOR  
6           Senate Bill 1934

- 7   -   Creates two new offenses (third and second degree  
8       felonies) for a person, who takes custody of or exercises  
9       control over a person he or she knows to be injured as a  
10      result of criminal activity, to deprive that person of  
11      medical care with the intent to avoid, delay, hinder, or  
12      obstruct any investigation of the criminal activity  
13      contributing to the injury.  
14   -   Extends until June 30, 2008, the time for filing a  
15       compensation claim for crimes occurring between June 30,  
16       1994, and June 30, 2007, if the claimant is a victim of  
17       an attempt to commit murder and is rendered a paraplegic  
18       requiring life-supporting or life-sustaining equipment as  
19       defined in s. 400.925, F.S., as a result of the crime.  
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