

**Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

**BILL:** CS/SB 1312

**INTRODUCER:** Criminal Justice Committee and Senator Fasano

**SUBJECT:** Sexual Battery Victim Services

**DATE:** March 11, 2009      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	<b>Fav/CS</b>
2.			JA	
3.			WPSC	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes
- B. AMENDMENTS.....  Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

**I. Summary:**

The bill creates a new statute that requires the investigating law enforcement officer to immediately notify sexual battery victims of their legal rights and remedies; assist them in obtaining any necessary medical treatment resulting from the alleged incident, a forensic examination, and crisis-intervention services from a certified rape crisis center; and advise sexual battery victims that they can contact a certified rape crisis center about services. (This new statute is similar to the existing domestic violence statute providing these same protections for domestic violence victims.)

This bill creates section 794.052 of the Florida Statutes.

**II. Present Situation:**

Section 960, F.S., provides numerous protections for all crime victims, including being notified of crime victim compensation, crisis intervention services, counseling, and community-based victim treatment programs. s. 960(1)(a)1. and 2., F.S.

Section 741.29(1), F.S., provides specific protections for victims of domestic violence, including a requirement that the investigating law enforcement officer notify these victims of their legal rights and remedies, assist them in obtaining any necessary medical treatment, and advise these victims that they can contact a domestic violence center about services. The Florida Department of Law Enforcement (FDLE) has developed a standardized “Legal Rights and Remedies Notice to Victims” which explains their rights under this section. This notice is distributed statewide to local law enforcement agencies so it can be given to domestic violence victims.

There is no comparable provision requiring sexual battery victims to be advised about services available to them through the rape crisis centers located statewide. According to the Florida Council Against Sexual Violence, many sexual battery victims, particularly in rural areas, are not aware of the free services available to them through their local rape crisis centers, nor are they aware of their ability to apply for a protective injunction against sexual or repeat violence.

### **III. Effect of Proposed Changes:**

The bill creates a new section, s. 794.052, F.S., that will be similar to the current statute requiring domestic violence victims to be advised about services available to them through the domestic violence centers. The bill requires the investigating law enforcement officer to immediately notify sexual battery victims of their legal rights and remedies; assist them in obtaining any necessary medical treatment resulting from the alleged incident, a forensic examination, and crisis-intervention services from a certified rape crisis center; and advise sexual battery victims that they can contact a certified rape crisis center about services.

Additionally, the Florida Council Against Sexual Violence, in conjunction with the FDLE, must develop a standardized notice of available rights and remedies that will be distributed statewide to all law enforcement agencies to be used for sexual battery victims. The notice must include the resource listing and telephone number for the local certified rape crisis centers as designated by the Florida Council Against Sexual Violence.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill could serve as an impetus for sexual battery victims to get needed free services through the rape crisis centers. According to the Florida Council Against Sexual Violence, any fiscal impact that results from developing the standardized legal notice form for sexual battery victims will be insignificant to the council.

**C. Government Sector Impact:**

Any fiscal impact to the FDLE should be mitigated because the council will have the primary responsibility of developing the standardized legal notice form.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on March 11, 2009:**

- Deletes the requirement that the FDLE must develop, distribute, and revise the standardized legal notice to sexual battery victims.
- Requires the Florida Council Against Sexual Violence, in conjunction with the FDLE, to develop and distribute the standardized legal notice.
- Provides that a law enforcement officer will assist a sexual battery victim in obtaining a forensic examination and crisis-intervention services from a certified rape crisis center.

**B. Amendments:**

None.