

HB 1367

2016

1 A bill to be entitled

2 An act relating to offenses involving minors and  
3 vulnerable persons; amending s. 92.54, F.S.;  
4 increasing the maximum age at which a victim or  
5 witness may be allowed to testify via closed circuit  
6 television rather than in a courtroom in certain  
7 circumstances; amending s. 782.04, F.S.; including  
8 human trafficking as an underlying felony offense to  
9 support a felony murder conviction; amending s.  
10 787.06, F.S.; providing increased criminal penalties  
11 for human trafficking offenses if the victim suffers  
12 great bodily harm, permanent disability, or permanent  
13 disfigurement; specifying that penalties for branding  
14 must be for the purpose of committing the offense of  
15 human trafficking; prohibiting certain defense to  
16 prosecution; amending s. 794.022, F.S.; including  
17 human trafficking and lewd and lascivious offenses in  
18 the rules of evidence applicable to sexually-related  
19 offenses; amending ss. 90.404, 775.21, 943.0435,  
20 944.606, and 944.607, F.S.; conforming provisions to  
21 changes made by the act; providing an effective date.  
22

23 Be It Enacted by the Legislature of the State of Florida:  
24

25 Section 1. Section 92.54, Florida Statutes, is amended to  
26 read:

27           92.54 Use of closed circuit television in proceedings  
28 involving a victim or witness under the age of 18 ~~16~~ or who has  
29 an intellectual disability.—

30           (1) Upon motion and hearing in camera and upon a finding  
31 that there is a substantial likelihood that a victim or witness  
32 under the age of 18 ~~16~~ or who has an intellectual disability  
33 will suffer at least moderate emotional or mental harm due to  
34 the presence of the defendant if such victim or witness is  
35 required to testify in open court, or is unavailable as defined  
36 in s. 90.804(1), the trial court may order that the testimony of  
37 the victim or witness be taken outside of the courtroom and  
38 shown by means of closed circuit television.

39           (2) The motion may be filed by the victim or witness; the  
40 attorney, parent, legal guardian, or guardian ad litem of the  
41 victim or witness; the prosecutor; the defendant or the  
42 defendant's counsel; or the trial judge on his or her own  
43 motion.

44           (3) Only the judge, the prosecutor, the defendant, the  
45 attorney for the defendant, the operators of the videotape  
46 equipment, an interpreter, and some other person who, in the  
47 opinion of the court, contributes to the well-being of the child  
48 or the person who has an intellectual disability and who will  
49 not be a witness in the case may be in the room during the  
50 recording of the testimony.

51           (4) During the victim's or witness's testimony by closed  
52 circuit television, the court may require the defendant to view

53 the testimony from the courtroom. In such a case, the court  
 54 shall permit the defendant to observe and hear the testimony of  
 55 the victim or witness, but must ensure that the victim or  
 56 witness cannot hear or see the defendant. The defendant's right  
 57 to assistance of counsel, which includes the right to immediate  
 58 and direct communication with counsel conducting cross-  
 59 examination, must be protected and, upon the defendant's  
 60 request, such communication must be provided by any appropriate  
 61 electronic method.

62 (5) The court shall make specific findings of fact, on the  
 63 record, as to the basis for its ruling under this section.

64 Section 2. Subsections (1), (3), and (4) of section  
 65 782.04, Florida Statutes, are amended to read:

66 782.04 Murder.—

67 (1) (a) The unlawful killing of a human being:

68 1. When perpetrated from a premeditated design to effect  
 69 the death of the person killed or any human being;

70 2. When committed by a person engaged in the perpetration  
 71 of, or in the attempt to perpetrate, any:

72 a. Trafficking offense prohibited by s. 893.135(1),

73 b. Arson,

74 c. Sexual battery,

75 d. Robbery,

76 e. Burglary,

77 f. Kidnapping,

78 g. Escape,

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- 79 | h. Aggravated child abuse,
- 80 | i. Aggravated abuse of an elderly person or disabled
- 81 | adult,
- 82 | j. Aircraft piracy,
- 83 | k. Unlawful throwing, placing, or discharging of a
- 84 | destructive device or bomb,
- 85 | l. Carjacking,
- 86 | m. Home-invasion robbery,
- 87 | n. Aggravated stalking,
- 88 | o. Murder of another human being,
- 89 | p. Resisting an officer with violence to his or her
- 90 | person,
- 91 | q. Aggravated fleeing or eluding with serious bodily
- 92 | injury or death,
- 93 | r. Felony that is an act of terrorism or is in furtherance
- 94 | of an act of terrorism, ~~or~~
- 95 | s. Human trafficking; or
- 96 | 3. Which resulted from the unlawful distribution of any
- 97 | substance controlled under s. 893.03(1), cocaine as described in
- 98 | s. 893.03(2) (a)4., opium or any synthetic or natural salt,
- 99 | compound, derivative, or preparation of opium, or methadone by a
- 100 | person 18 years of age or older, when such drug is proven to be
- 101 | the proximate cause of the death of the user,
- 102 |
- 103 | is murder in the first degree and constitutes a capital felony,
- 104 | punishable as provided in s. 775.082.

105 (b) In all cases under this section, the procedure set  
 106 forth in s. 921.141 shall be followed in order to determine  
 107 sentence of death or life imprisonment.

108 (3) When a human being is killed during the perpetration  
 109 of, or during the attempt to perpetrate, any:

- 110 (a) Trafficking offense prohibited by s. 893.135(1),
- 111 (b) Arson,
- 112 (c) Sexual battery,
- 113 (d) Robbery,
- 114 (e) Burglary,
- 115 (f) Kidnapping,
- 116 (g) Escape,
- 117 (h) Aggravated child abuse,
- 118 (i) Aggravated abuse of an elderly person or disabled  
 119 adult,
- 120 (j) Aircraft piracy,
- 121 (k) Unlawful throwing, placing, or discharging of a  
 122 destructive device or bomb,
- 123 (l) Carjacking,
- 124 (m) Home-invasion robbery,
- 125 (n) Aggravated stalking,
- 126 (o) Murder of another human being,
- 127 (p) Aggravated fleeing or eluding with serious bodily  
 128 injury or death,
- 129 (q) Resisting an officer with violence to his or her  
 130 person, ~~or~~

131 (r) Felony that is an act of terrorism or is in  
 132 furtherance of an act of terrorism, or  
 133 (s) Human trafficking,  
 134  
 135 by a person other than the person engaged in the perpetration of  
 136 or in the attempt to perpetrate such felony, the person  
 137 perpetrating or attempting to perpetrate such felony commits  
 138 murder in the second degree, which constitutes a felony of the  
 139 first degree, punishable by imprisonment for a term of years not  
 140 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
 141 775.084.

142 (4) The unlawful killing of a human being, when  
 143 perpetrated without any design to effect death, by a person  
 144 engaged in the perpetration of, or in the attempt to perpetrate,  
 145 any felony other than any:

- 146 (a) Trafficking offense prohibited by s. 893.135(1),
- 147 (b) Arson,
- 148 (c) Sexual battery,
- 149 (d) Robbery,
- 150 (e) Burglary,
- 151 (f) Kidnapping,
- 152 (g) Escape,
- 153 (h) Aggravated child abuse,
- 154 (i) Aggravated abuse of an elderly person or disabled  
 155 adult,
- 156 (j) Aircraft piracy,

- 157 (k) Unlawful throwing, placing, or discharging of a
- 158 destructive device or bomb,
- 159 (l) Unlawful distribution of any substance controlled
- 160 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
- 161 or opium or any synthetic or natural salt, compound, derivative,
- 162 or preparation of opium by a person 18 years of age or older,
- 163 when such drug is proven to be the proximate cause of the death
- 164 of the user,
- 165 (m) Carjacking,
- 166 (n) Home-invasion robbery,
- 167 (o) Aggravated stalking,
- 168 (p) Murder of another human being,
- 169 (q) Aggravated fleeing or eluding with serious bodily
- 170 injury or death,
- 171 (r) Resisting an officer with violence to his or her
- 172 person, ~~or~~
- 173 (s) Felony that is an act of terrorism or is in
- 174 furtherance of an act of terrorism, or
- 175 (t) Human trafficking,

176

177 is murder in the third degree and constitutes a felony of the

178 second degree, punishable as provided in s. 775.082, s. 775.083,

179 or s. 775.084.

180 Section 3. Paragraph (h) is added to subsection (3) of

181 section 787.06, Florida Statutes, paragraph (b) of subsection

182 (4) is amended, subsections (5) through (9) are renumbered as

183 subsections (6) through (10), respectively, and a new subsection  
 184 (5) is added to that section, to read:

185 787.06 Human trafficking.—

186 (3) Any person who knowingly, or in reckless disregard of  
 187 the facts, engages in human trafficking, or attempts to engage  
 188 in human trafficking, or benefits financially by receiving  
 189 anything of value from participation in a venture that has  
 190 subjected a person to human trafficking:

191 (h) And during the commission or attempt to commit the  
 192 offense of human trafficking causes great bodily harm, permanent  
 193 disability, or permanent disfigurement to the victim of the  
 194 human trafficking offense or attempted offense commits a felony  
 195 of the first degree, punishable for a term of years not  
 196 exceeding life, as provided in s. 775.082, s. 775.083, or s.  
 197 775.084.

198  
 199 For each instance of human trafficking of any individual under  
 200 this subsection, a separate crime is committed and a separate  
 201 punishment is authorized.

202 (4)

203 (b) Any person who permanently brands, or directs to be  
 204 permanently branded, for the purpose of committing an offense  
 205 under this section, a victim of an offense under this section  
 206 commits a second degree felony, punishable as provided in s.  
 207 775.082, s. 775.083, or s. 775.084. For purposes of this  
 208 subsection, the term "permanently branded" means a mark on the



209 individual's body that, if it can be removed or repaired at all,  
 210 can only be removed or repaired by surgical means, laser  
 211 treatment, or other medical procedure.

212 (5) A victim's lack of chastity or the willingness or  
 213 consent of a victim is not a defense to prosecution under this  
 214 section if the victim was under 18 years of age at the time of  
 215 the offense.

216 Section 4. Section 794.022, Florida Statutes, is amended  
 217 to read:

218 794.022 Rules of evidence.—

219 (1) The testimony of the victim need not be corroborated  
 220 in a prosecution under s. 787.06, s. 794.011, or s. 800.04.

221 (2) Specific instances of prior consensual sexual activity  
 222 between the victim and any person other than the offender may  
 223 ~~shall~~ not be admitted into evidence in a prosecution under s.  
 224 787.06, s. 794.011, or s. 800.04. However, such evidence may be  
 225 admitted if it is first established to the court in a proceeding  
 226 in camera that such evidence may prove that the defendant was  
 227 not the source of the semen, pregnancy, injury, or disease; or,  
 228 when consent by the victim is at issue, such evidence may be  
 229 admitted if it is first established to the court in a proceeding  
 230 in camera that such evidence tends to establish a pattern of  
 231 conduct or behavior on the part of the victim which is so  
 232 similar to the conduct or behavior in the case that it is  
 233 relevant to the issue of consent.

234 (3) Notwithstanding any other provision of law, reputation

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235 evidence relating to a victim's prior sexual conduct or evidence  
236 presented for the purpose of showing that manner of dress of the  
237 victim at the time of the offense incited the sexual battery may  
238 ~~shall~~ not be admitted into evidence in a prosecution under s.  
239 787.06, s. 794.011, or s. 800.04.

240 (4) When consent of the victim is a defense to prosecution  
241 under s. 787.06, s. 794.011, or s. 800.04, evidence of the  
242 victim's mental incapacity or defect is admissible to prove that  
243 the consent was not intelligent, knowing, or voluntary; and the  
244 court shall instruct the jury accordingly.

245 (5) An offender's use of a prophylactic device, or a  
246 victim's request that an offender use a prophylactic device, is  
247 not, by itself, relevant to either the issue of whether or not  
248 the offense was committed or the issue of whether or not the  
249 victim consented.

250 Section 5. Paragraphs (b) and (c) of subsection (2) of  
251 section 90.404, Florida Statutes, are amended to read:

252 90.404 Character evidence; when admissible.—

253 (2) OTHER CRIMES, WRONGS, OR ACTS.—

254 (b)1. In a criminal case in which the defendant is charged  
255 with a crime involving child molestation, evidence of the  
256 defendant's commission of other crimes, wrongs, or acts of child  
257 molestation is admissible and may be considered for its bearing  
258 on any matter to which it is relevant.

259 2. For the purposes of this paragraph, the term "child  
260 molestation" means conduct proscribed by s. 787.025(2)(c), s.

261 787.06(3)(g), ~~former~~ s. 787.06(3)(h), Florida Statutes 2012, s.  
 262 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,  
 263 former s. 796.035, s. 800.04, s. 827.071, s. 847.0135(5), s.  
 264 847.0145, or s. 985.701(1) when committed against a person 16  
 265 years of age or younger.

266 (c)1. In a criminal case in which the defendant is charged  
 267 with a sexual offense, evidence of the defendant's commission of  
 268 other crimes, wrongs, or acts involving a sexual offense is  
 269 admissible and may be considered for its bearing on any matter  
 270 to which it is relevant.

271 2. For the purposes of this paragraph, the term "sexual  
 272 offense" means conduct proscribed by s. 787.025(2)(c), s.  
 273 787.06(3)(b), (d), (f), or (g), ~~former~~ s. 787.06(3)(h), Florida  
 274 Statutes 2012, s. 794.011, excluding s. 794.011(10), s. 794.05,  
 275 former s. 796.03, former s. 796.035, s. 825.1025(2)(b), s.  
 276 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1).

277 Section 6. Paragraph (a) of subsection (4) of section  
 278 775.21, Florida Statutes, is amended to read:

279 775.21 The Florida Sexual Predators Act.—

280 (4) SEXUAL PREDATOR CRITERIA.—

281 (a) For a current offense committed on or after October 1,  
 282 1993, upon conviction, an offender shall be designated as a  
 283 "sexual predator" under subsection (5), and subject to  
 284 registration under subsection (6) and community and public  
 285 notification under subsection (7) if:

286 1. The felony is:

287 a. A capital, life, or first degree felony violation, or  
 288 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
 289 is a minor and the defendant is not the victim's parent or  
 290 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
 291 violation of a similar law of another jurisdiction; or

292 b. Any felony violation, or any attempt thereof, of s.  
 293 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 294 787.025(2)(c), where the victim is a minor and the defendant is  
 295 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
 296 or (g); ~~former~~ s. 787.06(3)(h), Florida Statutes 2012; s.  
 297 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
 298 former s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s.  
 299 827.071; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s.  
 300 916.1075(2); or s. 985.701(1); or a violation of a similar law  
 301 of another jurisdiction, and the offender has previously been  
 302 convicted of or found to have committed, or has pled nolo  
 303 contendere or guilty to, regardless of adjudication, any  
 304 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
 305 787.02, or s. 787.025(2)(c), where the victim is a minor and the  
 306 defendant is not the victim's parent or guardian; s.  
 307 787.06(3)(b), (d), (f), or (g); ~~former~~ s. 787.06(3)(h), Florida  
 308 Statutes 2012; s. 794.011, excluding s. 794.011(10); s. 794.05;  
 309 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.  
 310 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
 311 847.0145; s. 916.1075(2); or s. 985.701(1); or a violation of a  
 312 similar law of another jurisdiction;

313           2. The offender has not received a pardon for any felony  
 314 or similar law of another jurisdiction that is necessary for the  
 315 operation of this paragraph; and

316           3. A conviction of a felony or similar law of another  
 317 jurisdiction necessary to the operation of this paragraph has  
 318 not been set aside in any postconviction proceeding.

319           Section 7. Paragraph (a) of subsection (1) of section  
 320 943.0435, Florida Statutes, is amended to read:

321           943.0435 Sexual offenders required to register with the  
 322 department; penalty.—

323           (1) As used in this section, the term:

324           (a)1. "Sexual offender" means a person who meets the  
 325 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
 326 subparagraph c., or sub-subparagraph d., as follows:

327           a.(I) Has been convicted of committing, or attempting,  
 328 soliciting, or conspiring to commit, any of the criminal  
 329 offenses proscribed in the following statutes in this state or  
 330 similar offenses in another jurisdiction: s. 393.135(2); s.  
 331 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 332 the victim is a minor and the defendant is not the victim's  
 333 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); ~~former s.~~  
 334 787.06(3)(h), Florida Statutes 2012; s. 794.011, excluding s.  
 335 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
 336 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.  
 337 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
 338 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar

339 offense committed in this state which has been redesignated from  
340 a former statute number to one of those listed in this sub-sub-  
341 subparagraph; and

342 (II) Has been released on or after October 1, 1997, from  
343 the sanction imposed for any conviction of an offense described  
344 in sub-sub-subparagraph (I). For purposes of sub-sub-  
345 subparagraph (I), a sanction imposed in this state or in any  
346 other jurisdiction includes, but is not limited to, a fine,  
347 probation, community control, parole, conditional release,  
348 control release, or incarceration in a state prison, federal  
349 prison, private correctional facility, or local detention  
350 facility;

351 b. Establishes or maintains a residence in this state and  
352 who has not been designated as a sexual predator by a court of  
353 this state but who has been designated as a sexual predator, as  
354 a sexually violent predator, or by another sexual offender  
355 designation in another state or jurisdiction and was, as a  
356 result of such designation, subjected to registration or  
357 community or public notification, or both, or would be if the  
358 person were a resident of that state or jurisdiction, without  
359 regard to whether the person otherwise meets the criteria for  
360 registration as a sexual offender;

361 c. Establishes or maintains a residence in this state who  
362 is in the custody or control of, or under the supervision of,  
363 any other state or jurisdiction as a result of a conviction for  
364 committing, or attempting, soliciting, or conspiring to commit,

365 any of the criminal offenses proscribed in the following  
366 statutes or similar offense in another jurisdiction: s.  
367 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
368 787.025(2)(c), where the victim is a minor and the defendant is  
369 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
370 or (g); ~~former~~ s. 787.06(3)(h), Florida Statutes 2012; s.  
371 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
372 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.  
373 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
374 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.  
375 985.701(1); or any similar offense committed in this state which  
376 has been redesignated from a former statute number to one of  
377 those listed in this sub-subparagraph; or

378 d. On or after July 1, 2007, has been adjudicated  
379 delinquent for committing, or attempting, soliciting, or  
380 conspiring to commit, any of the criminal offenses proscribed in  
381 the following statutes in this state or similar offenses in  
382 another jurisdiction when the juvenile was 14 years of age or  
383 older at the time of the offense:

384 (I) Section 794.011, excluding s. 794.011(10);

385 (II) Section 800.04(4)(a)2. where the victim is under 12  
386 years of age or where the court finds sexual activity by the use  
387 of force or coercion;

388 (III) Section 800.04(5)(c)1. where the court finds  
389 molestation involving unclothed genitals; or

390 (IV) Section 800.04(5)(d) where the court finds the use of

391 force or coercion and unclothed genitals.

392 2. For all qualifying offenses listed in sub-subparagraph  
 393 (1)(a)1.d., the court shall make a written finding of the age of  
 394 the offender at the time of the offense.

395  
 396 For each violation of a qualifying offense listed in this  
 397 subsection, except for a violation of s. 794.011, the court  
 398 shall make a written finding of the age of the victim at the  
 399 time of the offense. For a violation of s. 800.04(4), the court  
 400 shall also make a written finding indicating whether the offense  
 401 involved sexual activity and indicating whether the offense  
 402 involved force or coercion. For a violation of s. 800.04(5), the  
 403 court shall also make a written finding that the offense did or  
 404 did not involve unclothed genitals or genital area and that the  
 405 offense did or did not involve the use of force or coercion.

406 Section 8. Paragraph (b) of subsection (1) of section  
 407 944.606, Florida Statutes, is amended to read:

408 944.606 Sexual offenders; notification upon release.—

409 (1) As used in this section:

410 (b) "Sexual offender" means a person who has been  
 411 convicted of committing, or attempting, soliciting, or  
 412 conspiring to commit, any of the criminal offenses proscribed in  
 413 the following statutes in this state or similar offenses in  
 414 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
 415 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
 416 the defendant is not the victim's parent or guardian; s.



417 787.06(3) (b), (d), (f), or (g); ~~former~~ s. 787.06(3) (h), Florida  
 418 Statutes 2012; s. 794.011, excluding s. 794.011(10); s. 794.05;  
 419 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);  
 420 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
 421 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
 422 916.1075(2); or s. 985.701(1); or any similar offense committed  
 423 in this state which has been redesignated from a former statute  
 424 number to one of those listed in this subsection, when the  
 425 department has received verified information regarding such  
 426 conviction; an offender's computerized criminal history record  
 427 is not, in and of itself, verified information.

428 Section 9. Paragraph (a) of subsection (1) of section  
 429 944.607, Florida Statutes, is amended to read:

430 944.607 Notification to Department of Law Enforcement of  
 431 information on sexual offenders.—

432 (1) As used in this section, the term:

433 (a) "Sexual offender" means a person who is in the custody  
 434 or control of, or under the supervision of, the department or is  
 435 in the custody of a private correctional facility:

436 1. On or after October 1, 1997, as a result of a  
 437 conviction for committing, or attempting, soliciting, or  
 438 conspiring to commit, any of the criminal offenses proscribed in  
 439 the following statutes in this state or similar offenses in  
 440 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
 441 s. 787.02, or s. 787.025(2) (c), where the victim is a minor and  
 442 the defendant is not the victim's parent or guardian; s.

443 787.06(3)(b), (d), (f), or (g); ~~former~~ s. 787.06(3)(h), Florida  
 444 Statutes 2012; s. 794.011, excluding s. 794.011(10); s. 794.05;  
 445 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);  
 446 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
 447 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
 448 916.1075(2); or s. 985.701(1); or any similar offense committed  
 449 in this state which has been redesignated from a former statute  
 450 number to one of those listed in this paragraph; or

451 2. Who establishes or maintains a residence in this state  
 452 and who has not been designated as a sexual predator by a court  
 453 of this state but who has been designated as a sexual predator,  
 454 as a sexually violent predator, or by another sexual offender  
 455 designation in another state or jurisdiction and was, as a  
 456 result of such designation, subjected to registration or  
 457 community or public notification, or both, or would be if the  
 458 person were a resident of that state or jurisdiction, without  
 459 regard as to whether the person otherwise meets the criteria for  
 460 registration as a sexual offender.

461 Section 10. This act shall take effect July 1, 2016.