

HB 167

2016

1 A bill to be entitled

2 An act relating to evidence collected in sexual
3 assault investigations; providing legislative
4 findings; creating s. 943.326, F.S.; requiring law
5 enforcement agencies to adopt standards concerning
6 forensic evidence collected in investigations of
7 alleged sexual assaults; providing a time period for
8 the processing of backlogged forensic medical
9 evidence; creating s. 938.086, F.S.; providing a
10 surcharge upon persons convicted of certain sexual
11 offenses; specifying that the proceeds of the
12 surcharge be used to process forensic medical evidence
13 submitted in investigations of alleged sexual
14 assaults; providing an effective date.

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

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18 Section 1. The Legislature finds that in the past rape
19 kits have not been processed for DNA evidence in some cases and
20 in other cases such processing has not taken place in a timely
21 manner. The Legislature finds that law enforcement agencies have
22 not always had formal policies concerning the submission of such
23 kits for processing and that the statewide criminal analysis
24 laboratory system has not always had sufficient funding to
25 promptly process the kits that it receives. The Legislature
26 intends that all state law enforcement agencies adopt formal

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 policies to ensure that rape kits are promptly submitted and
28 that the funding of the statewide criminal analysis laboratory
29 system be addressed to help ensure that such kits are processed
30 in a timely manner.

31 Section 2. Section 943.326, Florida Statutes, is created
32 to read:

33 943.326 DNA evidence collected in sexual assault
34 investigations.—By January 1, 2017, each law enforcement agency
35 in the state shall adopt a policy concerning the handling and
36 submission for processing of forensic medical evidence collected
37 in connection with an alleged sexual assault. Such a policy must
38 include a requirement the agency make every effort to ensure
39 that such evidence be processed and the results be provided to
40 the agency no later than 12 months after the date of the alleged
41 sexual assault.

42 Section 3. Forensic medical evidence collected in
43 connection with an alleged sexual assault before January 1,
44 2017, is not subject to the processing time period in s.
45 943.326, Florida Statutes, as created by this act; however, each
46 law enforcement agency in the state shall make every effort to
47 ensure that such evidence be processed as promptly as possible
48 and in no event shall the results be provided to the agency
49 later than January 1, 2020.

50 Section 4. Section 938.086, Florida Statutes, is created
51 to read:

52 938.086 Additional court cost for processing of forensic

53 medical evidence in alleged sexual assault cases.—In addition to
54 any sanction imposed when a person pleads guilty or nolo
55 contendere to, or is found guilty of, regardless of
56 adjudication, a violation of s. 393.135(2); s. 394.4593(2); s.
57 787.01; s. 787.02; s. 787.025(2)(c); s. 787.06(3)(b), (d), (f),
58 or (g); s. 794.011, excluding s. 794.011(10); s. 794.05; s.
59 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
60 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
61 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar
62 offense committed in this state that has been redesignated from
63 a former statute number to one of those listed in this section,
64 the court shall impose a surcharge of \$1000. Payment of the
65 surcharge shall be a condition of probation, community control,
66 or any other court-ordered supervision. The surcharge shall be
67 deposited into the Operating Trust Fund of the Department of Law
68 Enforcement to be used by the statewide criminal analysis
69 laboratory system or a local law enforcement agency to process
70 forensic medical evidence submitted in investigations of alleged
71 sexual assaults.

72 Section 5. This act shall take effect July 1, 2016.