

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee
3 Representative Adkins offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:
Section 1. Section 943.326, Florida Statutes, is created
to read:

943.326 DNA evidence collected in sexual offense
investigations.-

(1) It is the intent of the Legislature that law
enforcement agencies demonstrate their commitment to victims of
sexual offenses through the timely submission and testing of DNA
evidence collected in association with a sexual offense
investigation.

(2) Sexual offense evidence kits, or other DNA evidence if
a kit is not collected, must be submitted to a member of the

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18 statewide criminal analysis laboratory system under s. 943.32
19 for forensic testing within 30 days after:

20 (a) Receipt of the evidence by a law enforcement agency if
21 a report of the sexual offense is made to the law enforcement
22 agency.

23 (b) A request to have the evidence tested is made by:

24 1. The alleged victim;

25 2. The alleged victim's parent, guardian, or legal
26 representative, if the alleged victim is a minor; or

27 3. The alleged victim's personal representative, if the
28 alleged victim is deceased.

29 (3) An alleged victim must be informed of the purpose for
30 submitting evidence for testing and the right to request testing
31 under subsection (2) by:

32 (a) A medical provider conducting a forensic medical
33 examination for purposes of a sexual offense evidence kit; or

34 (b) A law enforcement agency that collects other DNA
35 evidence associated with the sexual offense if a kit is not
36 collected under paragraph (a).

37 (4) The department and each laboratory within the
38 statewide criminal analysis laboratory system, in coordination
39 with the Florida Council Against Sexual Violence, shall adopt
40 and disseminate guidelines and procedures for the collection,
41 submission, and testing of DNA evidence that is obtained in
42 connection with an alleged sexual offense. The timely submission

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43 and testing of sexual offense evidence kits is a core public
44 safety issue.

45 (a) The guidelines and procedures must include the
46 requirements of this section, standards for how evidence is to
47 be packaged for submission, what evidence must be submitted to
48 the a member of the statewide criminal analysis laboratory
49 system, and timeframes for when the evidence must be submitted,
50 analyzed, and compared to DNA databases.

51 (b) The testing requirements of this section are satisfied
52 when a member of the statewide criminal analysis laboratory
53 system tests the contents of the sexual offense evidence kit in
54 an attempt to identify the foreign DNA attributable to a
55 suspect. If a sexual offense evidence kit is not collected, the
56 respective laboratory may receive and examine other items
57 directly related to the crime scene, such as clothing or bedding
58 or personal items left behind by the suspect. If probative
59 information is obtained from the testing of the sexual offense
60 evidence kit, the examination of other evidence should be based
61 on the needs of the case and determined through cooperation
62 among the investigating agency, the laboratory, and the
63 prosecutor.

64 (5) This section does not create a cause of action or
65 create any rights for an individual to challenge the admission
66 of evidence or create a cause of action for damages or any other
67 relief for a violation of this section.

68 Section 2. This act shall take effect July 1, 2016.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to evidence collected in sexual offense investigations; creating s. 943.326, F.S.; providing legislative intent; requiring that DNA evidence collected in sexual offense investigations be submitted to a member of the statewide criminal analysis laboratory system within a specified period; requiring that an alleged victim of a sexual offense be informed by medical providers and law enforcement agencies under certain circumstances of the purpose for and right to request testing of specified evidence; providing for adoption of guidelines and procedures by specified entities; providing requirements for such guidelines and procedures; providing construction; providing an effective date.