

1 A bill to be entitled

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

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

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19 Section 1. Section 943.326, Florida Statutes, is created
20 to read:

21 943.326 DNA evidence collected in sexual offense
22 investigations.-

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

27 investigation.

28 (2) A sexual offense evidence kit, or other DNA evidence
29 if a kit is not collected, must be submitted to a member of the
30 statewide criminal analysis laboratory system under s. 943.32
31 for forensic testing within 30 days after:

32 (a) Receipt of the evidence by a law enforcement agency if
33 a report of the sexual offense is made to the law enforcement
34 agency; or

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

36 1. The alleged victim;

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

39 3. The alleged victim's personal representative, if the
40 alleged victim is deceased.

41 (3) An alleged victim or, if applicable, the person
42 representing the alleged victim under subparagraph (2)(b)2. or
43 subparagraph (2)(b)3. must be informed of the purpose of
44 submitting evidence for testing and the right to request testing
45 under subsection (2) by:

46 (a) A medical provider conducting a forensic physical
47 examination for purposes of a sexual offense evidence kit; or

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

51 (4) The department and each laboratory within the
52 statewide criminal analysis laboratory system, in coordination

53 with the Florida Council Against Sexual Violence, shall adopt
54 and disseminate guidelines and procedures for the collection,
55 submission, and testing of DNA evidence that is obtained in
56 connection with an alleged sexual offense. The timely submission
57 and testing of sexual offense evidence kits is a core public
58 safety issue.

59 (a) The guidelines and procedures must include the
60 requirements of this section, standards for how evidence is to
61 be packaged for submission, what evidence must be submitted to a
62 member of the statewide criminal analysis laboratory system, and
63 timeframes for when the evidence must be submitted, analyzed,
64 and compared to DNA databases.

65 (b) The testing requirements of this section are satisfied
66 when a member of the statewide criminal analysis laboratory
67 system tests the contents of the sexual offense evidence kit in
68 an attempt to identify the foreign DNA attributable to a
69 suspect. If a sexual offense evidence kit is not collected, the
70 laboratory may receive and examine other items directly related
71 to the crime scene, such as clothing or bedding or personal
72 items left behind by the suspect. If probative information is
73 obtained from the testing of the sexual offense evidence kit,
74 the examination of other evidence should be based on the needs
75 of the case and determined through cooperation among the
76 investigating agency, the laboratory, and the prosecutor.

77 (5) This section does not create a cause of action or
78 create any rights for an individual to challenge the admission

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79 | of evidence or create a cause of action for damages or any other
80 | relief for a violation of this section.

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