

By Senator Clemens

27-00453-16

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1                                   A bill to be entitled  
2       An act relating to victim assistance; amending s.  
3       960.001, F.S.; requiring a law enforcement agency to  
4       immediately notify a victim if his or her property is  
5       determined to be in the possession of a pawnbroker;  
6       requiring the law enforcement agency to provide  
7       specified information to the victim; providing an  
8       effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Paragraph (h) of subsection (1) of section  
13   960.001, Florida Statutes, is amended to read:

14           960.001 Guidelines for fair treatment of victims and  
15   witnesses in the criminal justice and juvenile justice systems.-

16           (1) The Department of Legal Affairs, the state attorneys,  
17   the Department of Corrections, the Department of Juvenile  
18   Justice, the Florida Commission on Offender Review, the State  
19   Courts Administrator and circuit court administrators, the  
20   Department of Law Enforcement, and every sheriff's department,  
21   police department, or other law enforcement agency as defined in  
22   s. 943.10(4) shall develop and implement guidelines for the use  
23   of their respective agencies, which guidelines are consistent  
24   with the purposes of this act and s. 16(b), Art. I of the State  
25   Constitution and are designed to implement s. 16(b), Art. I of  
26   the State Constitution and to achieve the following objectives:

27           (h) *Return of property to victim.-*

28           1. A law enforcement agency ~~agencies~~ and the state attorney  
29   shall promptly return a victim's property held for evidentiary

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30 purposes unless there is a compelling law enforcement reason for  
31 retaining it. The trial or juvenile court exercising  
32 jurisdiction over the criminal or juvenile proceeding may enter  
33 appropriate orders to implement this subsection, including  
34 allowing photographs of the victim's property to be used as  
35 evidence at the criminal trial or the juvenile proceeding in  
36 place of the victim's property if no related substantial  
37 evidentiary issue ~~related thereto~~ is in dispute.

38 2. A law enforcement agency shall immediately notify the  
39 victim if the victim's property is determined to be in the  
40 possession of a pawnbroker. The agency shall give the victim the  
41 name and location of the pawnshop and instructions outlining the  
42 process for a replevin action and the procedures specified in s.  
43 539.001(15) for obtaining possession of the property.

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