

By the Committee on Criminal Justice; and Senator Clemens

591-03592-16

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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           provide specified instructions to a victim; requiring  
 5           a law enforcement agency to promptly make reasonable  
 6           efforts to provide the victim with specified  
 7           information under certain circumstances; providing an  
 8           effective date.

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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  
 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

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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 give a victim  
39 instructions that outline the process for a replevin action and  
40 the procedures specified in s. 539.001(15) for obtaining  
41 possession of the victim's property located in a pawnshop. If a  
42 law enforcement agency locates the property in the possession of  
43 a pawnbroker, the law enforcement agency shall promptly make  
44 reasonable efforts to provide the victim with the name and  
45 location of the pawnshop.

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