

By Senator Joyner

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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 limit 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 kits
19 have not been processed for DNA evidence in some cases and in
20 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 it receives. The Legislature intends
26 that all law enforcement agencies in the state adopt formal
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

19-00513-16

2016368__

30 in a timely manner.

31 Section 2. Section 943.326, Florida Statutes, is created to
32 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 that the agency make every effort to
39 ensure that such evidence be processed and the results be
40 provided to the agency no later than 12 months after the date of
41 the alleged 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 limit in s. 943.326,
45 Florida Statutes, as created by this act; however, each law
46 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 to
51 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.

19-00513-16

2016368__

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 which 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 \$1,000. 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.