

By Senator Benacquisto

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1 A bill to be entitled
2 An act relating to evidence collected in sexual
3 assault investigations; creating s. 943.326, F.S.;
4 requiring that DNA evidence collected in sexual
5 assault investigations be submitted to a member of the
6 statewide criminal analysis laboratory system within a
7 specified period; providing for a request by an
8 alleged victim or specified representative for earlier
9 submission; requiring that an alleged victim be
10 informed of the right to demand earlier submission;
11 requiring rulemaking and providing requirements for
12 rules; requiring the Department of Law Enforcement to
13 submit a report by a specified date to the Governor
14 and the Legislature on how it will analyze the
15 unanalyzed forensic evidence in sexual assault cases
16 currently held in the statewide criminal analysis
17 laboratory system; providing an effective date.

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

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21 Section 1. Section 943.326, Florida Statutes, is created to
22 read:

23 943.326 DNA evidence collected in sexual assault
24 investigations.—

25 (1) Any DNA evidence collected in a sexual assault
26 investigation must be submitted to a member of the statewide
27 criminal analysis laboratory system for forensic testing within
28 21 days after the forensic evidence is received by a law
29 enforcement agency or, if made earlier, a request to have the

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30 evidence tested is made by:

31 (a) The alleged victim;

32 (b) The alleged victim's parent or guardian, if the alleged
33 victim is a minor; or

34 (c) The alleged victim's personal representative, if the
35 alleged victim is deceased.

36 (2) An alleged victim must be informed of the purpose of
37 the submission of the medical forensic evidence and the right to
38 demand testing as provided in subsection (1).

39 (3) The department shall adopt rules for forensic medical
40 evidence collected in connection with an alleged sexual assault.
41 The rules must include the requirements of this section and
42 standards for what evidence must be submitted to a member of the
43 statewide criminal analysis laboratory system and timeframes for
44 when the evidence must be submitted, analyzed, and compared to
45 DNA databases.

46 Section 2. By October 1, 2016, the Department of Law
47 Enforcement must submit a report to the Governor, the President
48 of the Senate, and the Speaker of the House of Representatives
49 setting out the plan the department will follow to analyze the
50 unanalyzed sexual assault forensic evidence currently held in
51 the statewide criminal analysis laboratory system by June 30,
52 2017.

53 Section 3. This act shall take effect July 1, 2016.