

By Senator Simmons

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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 information to a victim for
 5 obtaining possession of his or her property located in
 6 a pawnshop; requiring the law enforcement agency to
 7 provide the victim with the name and location of the
 8 pawnshop under certain circumstances; providing
 9 applicability; providing an effective date.

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

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 13 Section 1. Paragraph (h) of subsection (1) of section
 14 960.001, Florida Statutes, is amended to read:

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

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

28 (h) *Return of property to victim.*—

29 1. A law enforcement agency ~~agencies~~ and the state attorney

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

39 2. Upon taking a stolen property report, a law enforcement
40 agency shall give a victim instructions outlining the process
41 for a replevin action and the procedures specified in ss. 538.08
42 and 539.001(15) for obtaining possession of his or her property
43 located in a pawnshop. If a law enforcement agency locates the
44 property in the possession of a pawnbroker, it must promptly
45 make reasonable efforts to provide the victim with the name and
46 location of the pawnshop. This section does not relieve the law
47 enforcement agency of the duty to place a 90-day hold on the
48 property while awaiting court disposition.

49 Section 2. This act shall take effect July 1, 2018.