

1 A bill to be entitled
 2 An act relating to sexual offenses; amending s.
 3 775.15, F.S.; revising statute of limitations periods
 4 for prosecution of certain sexual offenses; specifying
 5 that the period for prosecution of certain sexual
 6 offenses may not begin until results of specified
 7 testing have been received by certain law enforcement
 8 agencies; amending s. 943.326, F.S.; requiring the
 9 Department of Law Enforcement to create and maintain a
 10 database for tracking sexual offense evidence kits and
 11 other DNA evidence; requiring the department to ensure
 12 that alleged sexual assault victims and certain other
 13 persons are notified of and have access to information
 14 regarding such kits and evidence; providing
 15 requirements for such notification; providing an
 16 effective date.

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

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 20 Section 1. Subsection (14) of section 775.15, Florida
 21 Statutes, is amended to read:

22 775.15 Time limitations; general time limitations;
 23 exceptions.—

24 (14) (a) Except as provided in paragraph (c), a prosecution
 25 for a first or second degree felony violation of s. 794.011, if

26 | the victim is 16 years of age or older at the time of the
27 | offense and the offense is reported to a law enforcement agency
28 | within 72 hours after commission of the offense, may be
29 | commenced at any time.

30 | (b) Except as provided in paragraph (a), paragraph (c), or
31 | paragraph (13) (b), a prosecution for a first or second degree
32 | felony violation of s. 794.011, if the victim is 16 years of age
33 | or older at the time of the offense, must be commenced within 8
34 | years after the violation is committed. This paragraph applies
35 | to any such offense except an offense the prosecution of which
36 | would have been barred by subsection (2) on or before July 1,
37 | 2015.

38 | (c) Except as provided in paragraph (a), paragraph (b), or
39 | paragraph (13) (b), a prosecution for a first or second degree
40 | felony violation of s. 794.011 may be commenced at any time.
41 | This paragraph applies to any such offense except an offense the
42 | prosecution of which would have been barred on or before July 1,
43 | 2020.

44 | (d) The applicable limitation period, if any, for
45 | commencing a prosecution for a first or second degree felony
46 | violation of s. 794.011 may not begin to run until the
47 | processing of a sexual offense evidence kit, or other DNA
48 | evidence, has been completed and the results have been received
49 | by the law enforcement agency submitting the kit or evidence for
50 | processing. This paragraph applies to any such offense except an

51 offense the prosecution of which would have been barred on or
52 before July 1, 2020.

53 Section 2. Subsection (4) of section 943.326, Florida
54 Statutes, is amended to read:

55 943.326 DNA evidence collected in sexual offense
56 investigations.—

57 (4) ~~By January 1, 2017,~~ The department and each laboratory
58 within the statewide criminal analysis laboratory system, in
59 coordination with the Florida Council Against Sexual Violence,
60 shall adopt and disseminate guidelines and procedures for the
61 collection, submission, and testing of DNA evidence that is
62 obtained in connection with an alleged sexual offense. The
63 timely submission and testing of sexual offense evidence kits is
64 a core public safety issue. Testing of sexual offense evidence
65 kits must be completed no later than 120 days after submission
66 to a member of the statewide criminal analysis laboratory
67 system.

68 (a) The guidelines and procedures must include the
69 requirements of this section, standards for how evidence is to
70 be packaged for submission, what evidence must be submitted to a
71 member of the statewide criminal analysis laboratory system, and
72 timeframes for when the evidence must be submitted, analyzed,
73 and compared to DNA databases.

74 (b) The testing requirements of this section are satisfied
75 when a member of the statewide criminal analysis laboratory

76 | system tests the contents of the sexual offense evidence kit in
77 | an attempt to identify the foreign DNA attributable to a
78 | suspect. If a sexual offense evidence kit is not collected, the
79 | laboratory may receive and examine other items directly related
80 | to the crime scene, such as clothing or bedding or personal
81 | items left behind by the suspect. If probative information is
82 | obtained from the testing of the sexual offense evidence kit,
83 | the examination of other evidence should be based on the
84 | potential evidentiary value to the case and determined through
85 | cooperation among the investigating agency, the laboratory, and
86 | the prosecutor.

87 | (c) The department shall create and maintain a statewide
88 | database to track the location, processing status, and storage
89 | of sexual offense evidence kits and other DNA evidence that is
90 | accessible to law enforcement agencies and alleged victims and
91 | other persons listed in subparagraph (1) (b).

92 | (d) The department shall ensure that each alleged victim
93 | and other person listed in subparagraph (1) (b) is notified of
94 | and has access to information regarding the alleged victim's
95 | sexual offense evidence kit or other DNA evidence, including
96 | tracking information, testing information, and any DNA matches
97 | to a person deemed by investigators to be a suspect or person of
98 | interest. However, such notification shall state only that a DNA
99 | match has occurred and may not contain any genetic or other
100 | identifying information. Such notification may be delayed for up

HB 541

2020

101 | to 90 days if such notification would, in the opinion of
102 | investigators, negatively affect the investigation.

103 | Section 3. This act shall take effect July 1, 2020.