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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 01/30/2024 | . | |
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The Committee on Criminal Justice (Osgood) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Decker-Backmann Act."

Section 2. Section 782.41, Florida Statutes, is created to read:

782.41 Cold case murder; review; reinvestigation.—

(1) As used in this section, the term:



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11 (a) "Cold case" means a murder, for which:
12 1. No likely perpetrator has been identified; and
13 2. At least 5 years have passed since it was committed,
14 including the date of an application requesting a review
15 submitted by a designated person, and the murder was previously
16 investigated by a law enforcement agency and all probative leads
17 have been exhausted.

18 (b) "Designated person" means an immediate family member or
19 an immediate family member's designated legal representative,
20 which representative must be a member in good standing of The
21 Florida Bar.

22 (c) "Immediate family member" means a parent, parent-in-
23 law, grandparent, grandparent-in-law, sibling, spouse, child, or
24 stepchild of a victim, or any person who exercised in loco
25 parentis control over such victim younger than 18 years of age
26 at the time of the murder.

27 (d) "Law enforcement agency" means the law enforcement
28 agency having jurisdiction at the time of the murder.

29 (e) "Murder" means any criminal offense provided under s.
30 782.04, s. 782.071, or s. 782.072.

31 (f) "Probative lead" means evidence that is sufficiently
32 useful to prove an element of the crime and that was not
33 identified or determined as part of the previous investigation
34 by a law enforcement agency.

35 (g) "Victim" means an individual who was murdered and whose
36 case has been designated as a cold case.

37 (2) The head of a law enforcement agency or his or her
38 designee shall review a cold case upon receiving a written
39 application from a designated person to determine if a full



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40 reinvestigation would result in any of the following:

41 (a) The identification of new probative leads.

42 (b) The identification of a likely perpetrator.

43 (3) A review conducted pursuant to subsection (2) must
44 include all of the following:

45 (a) An analysis of any investigative procedures that may
46 have been absent or missed in the initial investigation.

47 (b) An assessment of whether witnesses should be
48 interviewed or reinterviewed.

49 (c) An examination of physical evidence to determine
50 whether all appropriate forensic testing and analyses were
51 performed in the initial investigation and whether additional
52 testing might produce information relevant to the investigation.

53 (d) An update of the case file using the most current
54 investigative standards as of the date of the review, if such
55 standards may help develop probative leads.

56 (4) (a) The law enforcement agency must conduct a full
57 reinvestigation of the cold case if the review pursuant to
58 subsection (2) concludes that such reinvestigation may result in
59 previously unidentified probative leads or in the identification
60 of a likely perpetrator.

61 (b) A full reinvestigation must include a review of all
62 available evidence and an analysis of those items that may
63 contain forensic value which were collected for the purpose of
64 developing probative leads or identifying a likely perpetrator.

65 (5) (a) A full reinvestigation required pursuant to
66 subsection (4) may not be conducted solely by the person who
67 previously investigated the murder.

68 (b) Only one full reinvestigation may be undertaken at any



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69 time with respect to the same victim.

70 (c) If a full reinvestigation is completed and a likely
71 perpetrator is not identified as a result, an additional case
72 file review or full reinvestigation is not required for that
73 cold case for a period of 5 years beginning on the date of the
74 conclusion of the reinvestigation, unless materially significant
75 evidence is discovered.

76 (6) (a) Each law enforcement agency shall develop a written
77 application to be used by a designated person to request a cold
78 case review under subsection (2).

79 (b) No later than July 1, 2025, the head of each law
80 enforcement agency or his or her designee shall adopt procedures
81 to ensure compliance with this section.

82 (c) Each law enforcement agency shall train the appropriate
83 law enforcement employees and officers of that law enforcement
84 agency on the procedures required and the responsibilities and
85 obligations imposed under this section.

86 (7) The law enforcement agency shall, as soon as
87 practicable, provide to the designated person who submitted the
88 application requesting review of a cold case a written
89 confirmation of receipt of the application. Such confirmation
90 must include a description of the process for submitting a
91 complaint to, and contact information for, the law enforcement
92 agency's unit responsible for internal investigations involving
93 allegations of misconduct.

94 (8) An application for review of a case that does not meet
95 the criteria for a cold case specified in paragraph (1) (a) may
96 be denied. If an application is denied, the head of the law
97 enforcement agency or his or her designee must issue to the



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98 designated person who submitted the application a written
99 explanation of the reason or reasons for the denial of the
100 review.

101 (9) No later than 1 year after receipt of a written
102 application requesting a cold case review, the law enforcement
103 agency must complete the case file review and conclude, pursuant
104 to subsection (2), whether a full reinvestigation as provided in
105 subsection (4) is warranted.

106 (10) The law enforcement agency may, one time only, extend
107 the time limit provided under subsection (9) for a period not to
108 exceed 6 months if the law enforcement agency finds that the
109 number of case files to be reviewed makes compliance with the
110 time limit impracticable without diverting resources from other
111 law enforcement activities. If the time limit is extended, the
112 law enforcement agency must provide notice and an explanation of
113 its reasoning for the extension to the designated person who
114 submitted the written application for review.

115 (11) By October 1, 2025, and at least quarterly thereafter,
116 each law enforcement agency shall report data as described in
117 subsection (12) to the Global Forensic and Justice Center at
118 Florida International University.

119 (12) The Global Forensic and Justice Center shall establish
120 and maintain a case tracking system and searchable public
121 website that includes all of the following information about
122 cold case investigations covered under this section:

123 (a) The number of written applications for cold case
124 reviews filed with each law enforcement agency as provided under
125 subsection (2).

126 (b) The number of full reinvestigations initiated and



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127 closed under subsection (9).

128 (c) The total number of cases in which the time for review
129 was extended and a summary of the reasons for any such
130 extensions under subsection (10).

131 (d) Statistical information on the aggregate number of cold
132 cases, defendants, arrests, indictments, and convictions.

133 (13) The Global Forensic and Justice Center shall create
134 and publish on its searchable public website a list of resources
135 for immediate family members or designated persons who have
136 submitted an application for a cold case review pursuant to
137 subsection (2). The resources must, at a minimum, include
138 system-based and community-based cold case advocacy services.

139 (14) If more than one law enforcement agency conducted the
140 initial investigation of a cold case, each law enforcement
141 agency must coordinate the case file review or full
142 reinvestigation such that there is only one joint case file
143 review or full reinvestigation occurring at a time as required
144 by paragraph (5) (b).

145 (15) A law enforcement agency may request investigative
146 assistance from the Department of Law Enforcement to complete a
147 cold case review or reinvestigation under this section. The
148 request must be submitted in writing.

149 (16) The operation of this section is subject to the
150 availability of funds specifically appropriated by the
151 Legislature or other relevant political subdivision of this
152 state for this purpose.

153 (17) This section applies to any cold case in which the
154 murder occurred on or after January 1, 1970.

155 Section 3. This act shall take effect July 1, 2025.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to cold case murders; providing a
short title; creating s. 782.41, F.S.; defining terms;
requiring the heads of law enforcement agencies or
their designees to review certain cold cases upon
receiving a written application from a designated
person; requiring the heads of law enforcement
agencies or their designees to make a specified
determination upon receiving such application;
providing requirements for such reviews; requiring law
enforcement agencies to conduct a full reinvestigation
of a cold case under certain circumstances; providing
requirements for such reinvestigations; requiring law
enforcement agencies to develop certain written
applications; requiring the heads of law enforcement
agencies or their designees to adopt certain
procedures to ensure compliance with specified
provisions; requiring law enforcement agencies to
provide specified training; requiring law enforcement
agencies to provide written confirmation to a
designated person of receipt of an application to
review a cold case; authorizing the denial of an
application for review of a cold case that does not
satisfy certain criteria; requiring the head of the



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185 law enforcement agency or his or her designee to issue
186 to the designated person a written explanation of the
187 reason or reasons for the denial; providing timeframe
188 and notice requirements for law enforcement agencies'
189 cold case reviews after receipt of a written
190 application; requiring law enforcement agencies, by a
191 specified date and periodically thereafter, to report
192 certain data to the Global Forensic and Justice Center
193 at Florida International University; requiring the
194 center to establish and maintain a case tracking
195 system and searchable public website that includes
196 specified information; requiring the center to create
197 and publish on its searchable public website a list of
198 certain resources; requiring coordination between law
199 enforcement agencies if more than one law enforcement
200 agency conducted the initial investigation;
201 authorizing law enforcement agencies to request
202 investigative assistance from the Department of Law
203 Enforcement to complete cold case reviews or
204 reinvestigations; requiring that such requests be in
205 writing; providing that specified provisions are
206 subject to appropriations; providing applicability;
207 providing an effective date.