

By Senator Osgood

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1 A bill to be entitled
2 An act relating to cold case murders; providing a
3 short title; creating s. 782.41, F.S.; defining terms;
4 requiring the heads of law enforcement agencies or
5 their designees to review certain cold cases upon
6 receiving a written application from a designated
7 person; requiring the heads of law enforcement
8 agencies or their designees to make a specified
9 determination upon receiving such application;
10 providing requirements for such reviews; requiring law
11 enforcement agencies to conduct a full reinvestigation
12 of a cold case under certain circumstances; providing
13 requirements for such reinvestigations; requiring law
14 enforcement agencies to develop certain written
15 applications; requiring the heads of law enforcement
16 agencies or their designees to adopt certain
17 procedures to ensure compliance with specified
18 provisions; requiring law enforcement agencies to
19 provide specified training; requiring law enforcement
20 agencies to provide written confirmation to a
21 designated person of receipt of an application to
22 review a cold case; requiring that an application for
23 review of a cold case that does not satisfy certain
24 criteria be denied; requiring the head of the law
25 enforcement agency or his or her designee to issue to
26 the designated person a written explanation of the
27 reason or reasons for the denial; providing timeframe
28 and notice requirements for law enforcement agencies'
29 cold case reviews after receipt of a written

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30 application; requiring law enforcement agencies, by a
31 specified date and periodically thereafter, to report
32 certain data to the Global Forensic and Justice Center
33 at Florida International University; requiring the
34 center to establish and maintain a case tracking
35 system and searchable public website that includes
36 specified information; requiring coordination between
37 law enforcement agencies if more than one law
38 enforcement agency conducted the initial
39 investigation; providing that specified provisions are
40 subject to appropriations; providing applicability;
41 authorizing a medical examiner to issue death
42 certificates with nonspecific causes of death and
43 manner of murder under certain circumstances;
44 providing an effective date.

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

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

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

52 782.41 Cold case murder; review; reinvestigation.—

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

54 (a) "Cold case" means a murder:

55 1. For which no likely perpetrator has been identified; and

56 2. That was committed more than 5 years before the date of
57 an application requesting a review submitted by a designated
58 person, that was previously investigated by a law enforcement

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59 agency, and for which all probative leads have been exhausted.

60 (b) "Designated person" means an immediate family member or
61 an immediate family member's designated legal representative,
62 which representative must be a member in good standing of The
63 Florida Bar.

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

69 (d) "Law enforcement agency" means a law enforcement agency
70 with the jurisdiction to engage in the detection, investigation,
71 or prosecution of a cold case.

72 (e) "Murder" means any criminal offense provided under s.
73 782.04, s. 782.071, or s. 782.072.

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

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

80 (2) The head of a law enforcement agency or his or her
81 designee shall review a cold case upon receiving a written
82 application from a designated person to determine if a full
83 reinvestigation would result in any of the following:

84 (a) The identification of new probative leads.

85 (b) The identification of a likely perpetrator.

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

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

90 (b) An assessment of whether witnesses should be
91 interviewed or reinterviewed.

92 (c) An examination of physical evidence to determine
93 whether all appropriate forensic testing and analyses were
94 performed in the initial investigation and whether additional
95 testing might produce information relevant to the investigation.

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

99 (4) (a) The law enforcement agency must conduct a full
100 reinvestigation of the cold case if the review pursuant to
101 subsection (2) concludes that such reinvestigation may result in
102 previously unidentified probative leads or in the identification
103 of a likely perpetrator.

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

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

111 (b) Only one full reinvestigation may be undertaken at any
112 time with respect to the same victim.

113 (c) If a full reinvestigation is completed and a likely
114 perpetrator is not identified as a result, an additional case
115 file review or full reinvestigation may not be undertaken for
116 that cold case for a period of 5 years beginning on the date of

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117 the conclusion of the reinvestigation, unless materially
118 significant evidence is discovered.

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

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

125 (c) Each law enforcement agency shall train the appropriate
126 law enforcement employees and officers within that law
127 enforcement agency on the procedures required and the
128 responsibilities and obligations imposed under this section.

129 (7) The law enforcement agency, as soon as practicable,
130 shall provide to the designated person who submitted the
131 application requesting review of a cold case written
132 confirmation of receipt of the application. Such confirmation
133 must include a description of the process for submitting a
134 complaint to, and contact information for, the law enforcement
135 agency's unit responsible for internal investigations involving
136 allegations of misconduct.

137 (8) An application for review of a case that does not meet
138 the criteria for a cold case specified in paragraph (1) (a) must
139 be denied. If an application is denied, the head of the law
140 enforcement agency or his or her designee must issue to the
141 designated person who submitted the application a written
142 explanation of the reason or reasons for the denial of the
143 review.

144 (9) No later than 1 year after receipt of a written
145 application requesting a cold case review, the law enforcement

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146 agency must complete the case file review and conclude, pursuant
147 to subsection (2), whether a full reinvestigation as provided in
148 subsection (4) is warranted.

149 (10) The law enforcement agency may extend, for one time
150 only, the time limit provided under subsection (9) for a period
151 not to exceed 6 months if the law enforcement agency finds that
152 the number of case files to be reviewed makes compliance with
153 the time limit impracticable without diverting resources from
154 other law enforcement activities. If the time limit is extended,
155 the law enforcement agency must provide notice and an
156 explanation of its reasoning for the extension to the designated
157 person who submitted the written application for review.

158 (11) By October 1, 2025, and at least quarterly thereafter,
159 each law enforcement agency shall report all data relevant to
160 the review of cold cases to the Global Forensic and Justice
161 Center at Florida International University.

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

166 (a) The number of written applications for cold case
167 reviews filed with each law enforcement agency as provided under
168 subsection (6).

169 (b) The number of full reinvestigations initiated and
170 closed under subsection (9).

171 (c) The total number of cases in which the time for review
172 was extended and an explanation of the reasons for any such
173 extensions under subsection (10).

174 (d) Statistical information on the aggregate number of cold

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175 cases, suspects, arrests, indictments, and convictions.

176 (13) If more than one law enforcement agency conducted the
177 initial investigation of a cold case, each law enforcement
178 agency must coordinate the case file review or full
179 reinvestigation such that there is only one joint case file
180 review or full reinvestigation occurring at a time as required
181 by paragraph (5) (b).

182 (14) The operation of this section is subject to the
183 availability of funds specifically appropriated by the
184 Legislature or other relevant political subdivision of this
185 state for this purpose.

186 (15) This section applies to any cold case in which the
187 murder occurred on or after January 1, 1970.

188 (16) A medical examiner may issue a death certificate with
189 a nonspecific cause of death and manner of murder if the medical
190 examiner determines that the release of such information would
191 not hinder the murder investigation.

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