

By Senator Stewart

17-00499B-24

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1                   A bill to be entitled  
2       An act relating to the retention of sexual offense  
3       evidence; amending s. 943.326, F.S.; requiring  
4       specified sexual offense evidence to be retained in a  
5       certain manner for a minimum amount of years after the  
6       collection date; requiring such evidence to be stored  
7       anonymously and with a documented chain of custody;  
8       providing an effective date.

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

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12       Section 1. Subsection (3) of section 943.326, Florida  
13       Statutes, is amended, and subsection (1) of that section is  
14       republished, to read:

15       943.326 DNA evidence collected in sexual offense  
16       investigations.—

17       (1) A sexual offense evidence kit, or other DNA evidence if  
18       a kit is not collected, must be submitted to a member of the  
19       statewide criminal analysis laboratory system under s. 943.32  
20       for forensic testing within 30 days after:

21       (a) Receipt of the evidence by a law enforcement agency if  
22       a report of the sexual offense is made to the law enforcement  
23       agency; or

24       (b) A request to have the evidence tested is made to the  
25       medical provider or the law enforcement agency by:

- 26       1. The alleged victim;  
27       2. The alleged victim's parent, guardian, or legal  
28       representative, if the alleged victim is a minor; or  
29       3. The alleged victim's personal representative, if the

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30 alleged victim is deceased.

31 (3)(a) Except as provided in paragraph (b), a collected  
32 sexual offense evidence kit must be retained in a secure,  
33 environmentally safe manner until the prosecuting agency has  
34 approved its destruction.

35 (b) A sexual offense evidence kit, or other DNA evidence if  
36 a kit is not collected, that is collected from a person who does  
37 not report a sexual offense to a law enforcement agency during  
38 the forensic physical examination and who does not make a  
39 request in compliance with paragraph (1)(b) must be retained in  
40 a secure, environmentally safe manner for a minimum of 8 years  
41 after the collection date. Collected sexual offense evidence  
42 involving sexual offenses that were not reported to a law  
43 enforcement agency must be stored anonymously and with a  
44 documented chain of custody.

45 Section 2. This act shall take effect July 1, 2024.