

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
 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.

45 |

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

47 |

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;

56 and

57 2. That was committed more than 5 years before the date of
58 an application requesting a review submitted by a designated
59 person, that was previously investigated by a law enforcement
60 agency, and for which all probative leads have been exhausted.

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

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

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

73 (e) "Murder" means any criminal offense provided under s.
74 782.04, s. 782.071, or s. 782.072.

75 (f) "Probative lead" means evidence that is sufficiently

76 useful to prove an element of the crime and that was not
77 identified or determined as part of the previous investigation
78 by a law enforcement agency.

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

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

85 (a) The identification of new probative leads.

86 (b) The identification of a likely perpetrator.

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

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

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

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

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

100 (4) (a) The law enforcement agency must conduct a full

101 reinvestigation of the cold case if the review pursuant to
102 subsection (2) concludes that such reinvestigation may result in
103 previously unidentified probative leads or in the identification
104 of a likely perpetrator.

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

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

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

114 (c) If a full reinvestigation is completed and a likely
115 perpetrator is not identified as a result, an additional case
116 file review or full reinvestigation may not be undertaken for
117 that cold case for a period of 5 years beginning on the date of
118 the conclusion of the reinvestigation, unless materially
119 significant evidence is discovered.

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

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

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

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

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

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

150 (10) The law enforcement agency may extend, for one time

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

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

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

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

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

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

175 (d) Statistical information on the aggregate number of

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176 cold cases, suspects, arrests, indictments, and convictions.

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

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

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

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

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