

HB 75

2017

1                   A bill to be entitled  
2           An act relating to victim assistance; amending s.  
3           960.001, F.S.; requiring a law enforcement agency to  
4           provide specified information to the victim if a  
5           victim's property is located in a pawnshop; providing  
6           an effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. Paragraph (h) of subsection (1) of section  
11   960.001, Florida Statutes, is amended to read:

12           960.001 Guidelines for fair treatment of victims and  
13   witnesses in the criminal justice and juvenile justice systems.—

14           (1) The Department of Legal Affairs, the state attorneys,  
15   the Department of Corrections, the Department of Juvenile  
16   Justice, the Florida Commission on Offender Review, the State  
17   Courts Administrator and circuit court administrators, the  
18   Department of Law Enforcement, and every sheriff's department,  
19   police department, or other law enforcement agency as defined in  
20   s. 943.10(4) shall develop and implement guidelines for the use  
21   of their respective agencies, which guidelines are consistent  
22   with the purposes of this act and s. 16(b), Art. I of the State  
23   Constitution and are designed to implement s. 16(b), Art. I of  
24   the State Constitution and to achieve the following objectives:

25           (h) Return of property to victim.—

26        1. A law enforcement agency ~~agencies~~ and the state  
27 attorney shall promptly return a victim's property held for  
28 evidentiary purposes unless there is a compelling law  
29 enforcement reason for retaining it. The trial or juvenile court  
30 exercising jurisdiction over the criminal or juvenile proceeding  
31 may enter appropriate orders to implement this subsection,  
32 including allowing photographs of the victim's property to be  
33 used as evidence at the criminal trial or the juvenile  
34 proceeding in place of the victim's property if no related  
35 substantial evidentiary issue ~~related thereto~~ is in dispute.

36        2. A law enforcement agency shall give a victim  
37 instructions that outline the process for a replevin action and  
38 the procedures specified in s. 539.001(15) for obtaining  
39 possession of the victim's property located in a pawnshop. If a  
40 law enforcement agency locates the property while it is in the  
41 possession of a pawnbroker, the law enforcement agency shall  
42 promptly make reasonable efforts to provide the victim with the  
43 name and location of the pawnshop.

44        Section 2. This act shall take effect July 1, 2017.