

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: February 11, 1998 Revised: \_\_\_\_\_

Subject: Protective Services for Victims and Witnesses

|    | <u>Analyst</u> | <u>Staff Director</u> | <u>Reference</u> | <u>Action</u> |
|----|----------------|-----------------------|------------------|---------------|
| 1. | Dugger         | Miller                | CJ               | Favorable     |
| 2. | _____          | _____                 | WM               | _____         |
| 3. | _____          | _____                 | _____            | _____         |
| 4. | _____          | _____                 | _____            | _____         |
| 5. | _____          | _____                 | _____            | _____         |

I. Summary:

Senate Bill 526 makes protective services available to victims and witnesses who are at risk of harm because of their cooperation in an investigation or prosecution involving not only any of the enumerated serious felony offenses in s. 914.25, F.S., but also when the investigation or prosecution involves an attempt, solicitation, or conspiracy to commit any of the enumerated felonies. These serious felony offenses include murder, manslaughter, sexual battery, aggravated stalking, aggravated battery, carjacking, home invasion robbery, burglary, arson, robbery, kidnapping, racketeering, or drug trafficking.

This bill substantially amends section 914.25 of the Florida Statutes.

II. Present Situation:

The Legislature recently enacted s. 914.25, F.S., which establishes a statewide protocol for delivering protective services to victims and witnesses who are certified as being at risk of harm by virtue of cooperating in an investigation or prosecution in state court involving a serious felony offense. Chapter 97-52, Laws of Florida. These offenses include murder, manslaughter, sexual battery, aggravated stalking, aggravated battery, carjacking, home invasion robbery, burglary, arson, robbery, kidnapping, racketeering, or drug trafficking. The statute does not, however, offer protective services to victims and witnesses who cooperate in an investigation or prosecution involving an attempt, solicitation, or conspiracy to commit any of these enumerated felonies.

Under this law, a law enforcement agency, a state attorney, or the statewide prosecutor can identify a victim or witness who is believed to be critical to a state investigation or prosecution and is at risk of harm because of his involvement in the case. A victim or witness can qualify as an "at risk" person if he or his immediate family has been subjected to violence, substantial threats of

violence, or other acts of intimidation. If a determination is made by the appropriate state attorney or statewide prosecutor that such victim or witness is critical, the witness or victim can be certified for special protection or temporary relocation services.

The law enforcement agency, in consultation with the certifying state attorney or statewide prosecutor, is responsible for providing the appropriate witness protection services. If the state attorney or statewide prosecutor finds a compelling need to temporarily relocate a victim or witness, the Florida Department of Law Enforcement coordinates with the state attorney and the investigating law enforcement agency to accomplish the relocation.

Victims and witnesses can be protected under s. 914.25, F.S., for up to a year or until the risks have diminished. However, due to extenuating circumstances, protective services can be extended an additional year upon recertification by the appropriate state attorney or statewide prosecutor. According to the Florida Prosecuting Attorneys Association, since this law became effective, there are at least four state attorney offices using this law to protect victims and witnesses.

### **III. Effect of Proposed Changes:**

Senate Bill 526 makes protective services available to victims and witnesses who are at risk of harm because of their cooperation in an investigation or prosecution involving not only any of the enumerated serious felony offenses in s. 914.25, F.S., but also when the investigation or prosecution involves an attempt, solicitation, or conspiracy to commit any of these enumerated felonies. Thus, if there is a determination made by a state attorney that a victim of attempted murder is at risk of harm by virtue of his or her cooperation in the investigation or prosecution of this crime, the victim will be eligible for protective services under the bill. Without the bill, the victim in this example will remain ineligible for assistance under s. 914.25, F.S.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Any fiscal impact resulting from the expansion of victims who are eligible for protection under this bill should be minimal.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.