

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 a victim if the
 5 victim's property is located in a pawnshop; providing
 6 an effective date.

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

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 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.—

HB 1421

2019

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 if the property is located
40 in a pawnshop. If a law enforcement agency locates the property
41 while it is in the possession of a pawnbroker, the law
42 enforcement agency shall promptly make reasonable efforts to
43 provide the victim with the name and location of the pawnshop.

44 Section 2. This act shall take effect July 1, 2019.