

By Senator Berman

31-01118-20

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1                                   A bill to be entitled  
2       An act relating to sexual offenses; amending s.  
3       775.15, F.S.; revising statute of limitations periods  
4       for prosecution of certain sexual offenses; specifying  
5       that the period for prosecution of certain sexual  
6       offenses may not begin until results of specified  
7       testing have been received by certain law enforcement  
8       agencies; amending s. 943.326, F.S.; requiring the  
9       Department of Law Enforcement to create and maintain a  
10      database for tracking sexual offense evidence kits and  
11      other DNA evidence; requiring the department to ensure  
12      that alleged sexual assault victims and certain other  
13      persons are notified of and have access to information  
14      regarding such kits and evidence; providing  
15      requirements for such notification; providing an  
16      effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20       Section 1. Subsection (14) of section 775.15, Florida  
21      Statutes, is amended to read:

22       775.15 Time limitations; general time limitations;  
23      exceptions.—

24       (14) (a) Except as provided in paragraph (c), a prosecution  
25      for a first or second degree felony violation of s. 794.011, if  
26      the victim is 16 years of age or older at the time of the  
27      offense and the offense is reported to a law enforcement agency  
28      within 72 hours after commission of the offense, may be  
29      commenced at any time.

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30 (b) Except as provided in paragraph (a), paragraph (c), or  
31 paragraph (13) (b), a prosecution for a first or second degree  
32 felony violation of s. 794.011, if the victim is 16 years of age  
33 or older at the time of the offense, must be commenced within 8  
34 years after the violation is committed. This paragraph applies  
35 to any such offense except an offense the prosecution of which  
36 would have been barred by subsection (2) on or before July 1,  
37 2015.

38 (c) Except as provided in paragraph (a), paragraph (b), or  
39 paragraph (13) (b), a prosecution for a first or second degree  
40 felony violation of s. 794.011 may be commenced at any time.  
41 This paragraph applies to any such offense except an offense the  
42 prosecution of which would have been barred on or before July 1,  
43 2020.

44 (d) The applicable limitation period, if any, for  
45 commencing a prosecution for a first or second degree felony  
46 violation of s. 794.011 may not begin to run until the  
47 processing of a sexual offense evidence kit, or other DNA  
48 evidence, has been completed and the results have been received  
49 by the law enforcement agency that submitted the kit or evidence  
50 for processing. This paragraph applies to any such offense  
51 except an offense the prosecution of which would have been  
52 barred on or before July 1, 2020.

53 Section 2. Subsection (4) of section 943.326, Florida  
54 Statutes, is amended to read:

55 943.326 DNA evidence collected in sexual offense  
56 investigations.—

57 (4) ~~By January 1, 2017,~~ The department and each laboratory  
58 within the statewide criminal analysis laboratory system, in

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59 coordination with the Florida Council Against Sexual Violence,  
60 shall adopt and disseminate guidelines and procedures for the  
61 collection, submission, and testing of DNA evidence that is  
62 obtained in connection with an alleged sexual offense. The  
63 timely submission and testing of sexual offense evidence kits is  
64 a core public safety issue. Testing of sexual offense evidence  
65 kits must be completed no later than 120 days after submission  
66 to a member of the statewide criminal analysis laboratory  
67 system.

68 (a) The guidelines and procedures must include the  
69 requirements of this section, standards for how evidence is to  
70 be packaged for submission, what evidence must be submitted to a  
71 member of the statewide criminal analysis laboratory system, and  
72 timeframes for when the evidence must be submitted, analyzed,  
73 and compared to DNA databases.

74 (b) The testing requirements of this section are satisfied  
75 when a member of the statewide criminal analysis laboratory  
76 system tests the contents of the sexual offense evidence kit in  
77 an attempt to identify the foreign DNA attributable to a  
78 suspect. If a sexual offense evidence kit is not collected, the  
79 laboratory may receive and examine other items directly related  
80 to the crime scene, such as clothing or bedding or personal  
81 items left behind by the suspect. If probative information is  
82 obtained from the testing of the sexual offense evidence kit,  
83 the examination of other evidence should be based on the  
84 potential evidentiary value to the case and determined through  
85 cooperation among the investigating agency, the laboratory, and  
86 the prosecutor.

87 (c) The department shall create and maintain a statewide

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88 database to track the location, processing status, and storage  
89 of sexual offense evidence kits and other DNA evidence which is  
90 accessible to law enforcement agencies and alleged victims and  
91 other persons listed in paragraph (1) (b) .

92 (d) The department shall ensure that each alleged victim  
93 and other person listed in paragraph (1) (b) is notified of and  
94 has access to information regarding the alleged victim's sexual  
95 offense evidence kit or other DNA evidence, including tracking  
96 information, testing information, and any DNA matches to a  
97 person deemed by investigators to be a suspect or person of  
98 interest. However, such notification shall state only that a DNA  
99 match has occurred and may not contain any genetic or other  
100 identifying information. Such notification may be delayed for up  
101 to 90 days if such notification would, in the opinion of  
102 investigators, negatively affect the investigation.

103 Section 3. This act shall take effect July 1, 2020.