

By the Committee on Criminal Justice; and Senators Osgood, Martin, Powell, Polsky, Garcia, Berman, Thompson, and Yarborough

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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; authorizing the denial of an
23 application for review of a cold case that does not
24 satisfy certain criteria; requiring the head of the
25 law enforcement agency or his or her designee to issue
26 to 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

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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 the center to create
37 and publish on its searchable public website a list of
38 certain resources; requiring coordination between law
39 enforcement agencies if more than one law enforcement
40 agency conducted the initial investigation;
41 authorizing law enforcement agencies to request
42 investigative assistance from the Department of Law
43 Enforcement to complete cold case reviews or
44 reinvestigations; requiring that such requests be in
45 writing; providing that specified provisions are
46 subject to appropriations; providing applicability;
47 providing an effective date.

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

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51 Section 1. This act may be cited as the "Decker-Backmann
52 Act."

53 Section 2. Section 782.41, Florida Statutes, is created to
54 read:

55 782.41 Cold case murder; review; reinvestigation.—

56 (1) As used in this section, the term:

57 (a) "Cold case" means a murder, for which:

58 1. No likely perpetrator has been identified; and

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59 2. At least 5 years have passed since it was committed,
60 including the date of an application requesting a review
61 submitted by a designated person, and the murder was previously
62 investigated by a law enforcement agency and all probative leads
63 have been exhausted.

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

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

73 (d) "Law enforcement agency" means the law enforcement
74 agency having jurisdiction at the time of the murder.

75 (e) "Murder" means any criminal offense provided under s.
76 782.04, s. 782.071, or s. 782.072.

77 (f) "Probative lead" means evidence that is sufficiently
78 useful to prove an element of the crime and that was not
79 identified or determined as part of the previous investigation
80 by a law enforcement agency.

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

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

87 (a) The identification of new probative leads.

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88 (b) The identification of a likely perpetrator.

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

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

93 (b) An assessment of whether witnesses should be
94 interviewed or reinterviewed.

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

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

102 (4) (a) The law enforcement agency must conduct a full
103 reinvestigation of the cold case if the review pursuant to
104 subsection (2) concludes that such reinvestigation may result in
105 previously unidentified probative leads or in the identification
106 of a likely perpetrator.

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

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

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

116 (c) If a full reinvestigation is completed and a likely

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117 perpetrator is not identified as a result, an additional case
118 file review or full reinvestigation is not required for that
119 cold case for a period of 5 years beginning on the date of the
120 conclusion of the reinvestigation, unless materially significant
121 evidence is discovered.

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

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

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

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

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

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146 review.

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

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

161 (11) By October 1, 2025, and at least quarterly thereafter,
162 each law enforcement agency shall report data as described in
163 subsection (12) to the Global Forensic and Justice Center at
164 Florida International University.

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

169 (a) The number of written applications for cold case
170 reviews filed with each law enforcement agency as provided under
171 subsection (2).

172 (b) The number of full reinvestigations initiated and
173 closed under subsection (9).

174 (c) The total number of cases in which the time for review

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175 was extended and a summary of the reasons for any such
176 extensions under subsection (10).

177 (d) Statistical information on the aggregate number of cold
178 cases, defendants, arrests, indictments, and convictions.

179 (13) The Global Forensic and Justice Center shall create
180 and publish on its searchable public website a list of resources
181 for immediate family members or designated persons who have
182 submitted an application for a cold case review pursuant to
183 subsection (2). The resources must, at a minimum, include
184 system-based and community-based cold case advocacy services.

185 (14) If more than one law enforcement agency conducted the
186 initial investigation of a cold case, each law enforcement
187 agency must coordinate the case file review or full
188 reinvestigation such that there is only one joint case file
189 review or full reinvestigation occurring at a time as required
190 by paragraph (5) (b).

191 (15) A law enforcement agency may request investigative
192 assistance from the Department of Law Enforcement to complete a
193 cold case review or reinvestigation under this section. The
194 request must be submitted in writing.

195 (16) The operation of this section is subject to the
196 availability of funds specifically appropriated by the
197 Legislature or other relevant political subdivision of this
198 state for this purpose.

199 (17) This section applies to any cold case in which the
200 murder occurred on or after January 1, 1970.

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