

CHAPTER 97-36

Committee Substitute for House Bill No. 245

An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; providing an unlimited time period for the commencement of prosecutions for first or second degree felony violations of s. 794.011, F.S., under certain circumstances; providing an effective date.

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

Section 1. Subsections (1) and (7) of section 775.15, Florida Statutes, 1996 Supplement, are amended to read:

775.15 Time limitations.—

(1)(a) A prosecution for a capital felony, a life felony, or a felony that resulted in a death may be commenced at any time. If the death penalty is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all crimes designated as capital felonies shall be considered life felonies for the purposes of this section, and prosecution for such crimes may be commenced at any time.

(b) Except as otherwise provided in subsection (7), a prosecution for a first or second degree felony violation of s. 794.011, if such crime is reported to a law enforcement agency within 72 hours after commission of the crime, may be commenced at any time. If such crime is not reported within 72 hours after the commission of the crime, the prosecution must be commenced within the time periods prescribed in subsection (2).

(7) If the victim of a violation of s. 794.011, former s. 794.05, Florida Statutes 1995, s. 800.04, or s. 826.04 is under the age of 16, the applicable period of limitation, if any, does not begin to run until the victim has reached the age of 16 or the violation is reported to a law enforcement agency or other governmental agency, whichever occurs earlier. Such law enforcement agency or other governmental agency shall promptly report such allegation to the state attorney for the judicial circuit in which the alleged violation occurred. If the offense is a first or second degree felony violation of s. 794.011, and the crime is reported within 72 hours after its commission, paragraph (1)(b) applies. This subsection applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before December 31, 1984.

Section 2. This act shall take effect October 1, 1997, and shall apply to pending cases when the offense was reported within 72 hours of its commission and with respect to which the prosecution has not been barred prior to this date.

Became a law without the Governor's approval May 1, 1997.

Filed in Office Secretary of State April 30, 1997.