

House Bill No. 747

An act relating to sexual battery time limitations; amending s. 775.15, F.S.; revising language with respect to time limitations for a prosecution of the crime of sexual battery; providing an effective date.

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

Section 1. Subsection (1) of section 775.15, Florida Statutes, is reenacted and subsection (7) of said section is 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. A prosecution for a felony that resulted in injury to any person, when such felony arises from the use of a “destructive device,” as defined in s. 790.001, may be commenced within 10 years. 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).

(c) A prosecution for perjury in an official proceeding that relates to the prosecution of a capital felony may be commenced at any time.

(7)(a) 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 18, the applicable period of limitation, if any, does not begin to run until the victim has reached the age of 18 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 paragraph 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.

(b) Notwithstanding the provisions of paragraph (1)(b) and paragraph (a) of this subsection, if the offense is a first degree felony violation of s. 794.011 and the victim was under 18 years of age at the time the offense was committed, a prosecution of the offense may be commenced at any time. This

paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before October 1, 2003.

Section 2. This act shall take effect October 1, 2003.

Approved by the Governor June 6, 2003.

Filed in Office Secretary of State June 6, 2003.