

House Bill No. 147

An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

WHEREAS, the common law rule in criminal and civil cases granted the right to final closing argument to the party bearing the burden of proof, and

WHEREAS, the state has the burden of proving guilt beyond a reasonable doubt in criminal cases, and

WHEREAS, the Federal Rules of Criminal Procedure grant the right to final closing argument to the party which bears the burden of proof, and

WHEREAS, other states follow the common law rule in granting the right to final closing argument to the party bearing the burden of proof in civil and criminal cases, NOW, THEREFORE,

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

Section 1. Section 918.19, Florida Statutes, is created to read:

918.19 Closing argument.—As provided in the common law, in criminal prosecutions after the closing of evidence:

- (1) The prosecuting attorney shall open the closing arguments.
- (2) The accused or the attorney for the accused may reply.
- (3) The prosecuting attorney may reply in rebuttal.

The method set forth in this section shall control unless the Supreme Court determines it is procedural and issues a substitute rule of criminal procedure.

Section 2. Rule 3.250, Florida Rules of Criminal Procedure, is repealed to the extent that it is inconsistent with this act.

Section 3. This act shall take effect October 1, 2006, except that section 2 of this act shall take effect only if this act passed by a two-thirds vote of the membership of each house of the Legislature.

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.