

CS/HB 133 – Sexual Offenses (Identical SB 1270)

Amends s. 775.15, F.S. relating to time limitations for prosecuting specific sexual battery offenses. The bill extends the current time limitations outlined in subsection 14 and expands the age group included. Under current law, 1st degree sexual battery has a statute of limitation of four years for victims 18 years and over, with no time limitation for victims 16 to 17. 2nd degree sexual battery has a statute of limitation of 3 years for victims 18 years and over, with only one offense (sexual battery without the use of physical force and violence likely to cause personal injury) applying to victims 16 to 17 years old. The proposed legislation extends the statute of limitations to **ten years for first and second degree felony sexual battery of a victim 16 years or older.**

There is a great deal of overlap for 1st and 2nd degree sexual battery felonies for victims 12 years old and older, preventing the sentencing data to be separated by age. Offenders sentenced to prison for sexual battery in FY 13-14 differed in the amount of time between their offenses and sentencing date: 83 (adj.) were sentenced within a year of their offense, 89 (adj.) within two years, 55 (adj.) within three years, 26 (adj.) within four years, and 11 (adj.) within five years. The fewer offenders with each additional year implies a declining number over time, but data is not available on the number of unreported offenses that could be captured in an expanded statute of limitation. Furthermore, without being able to separate those under 16 years old from the available data, the affected offenses are skewed upward. Therefore, the impact on prison beds cannot be estimated.

CONFERENCE ADOPTED ESTIMATE: Positive Moderate

Requested by: House