

HB 793 – Statute of Limitations for Criminal Offenses Against Minors (Identical SB 998)

Amends s. 775.15, F.S. relating to time limitations for prosecuting kidnapping cases (s. 787.01, F.S.) and false imprisonment cases (s. 787.02, F.S.). Currently the statute of limitation for kidnapping cases is generally four years, with no statute of limitation if the victim is under 13 years old and an aggravating offense was committed. For false imprisonment it is generally three years, and extended to four years with a 13 year old victim and an aggravating offense. This bill removes the statute of limitation if the “victim was under 13 years of age at the time the initial confinement, abduction, restraint, or imprisonment occurred.” It also adds that if the victim was between 13 and 17 years of age at the time the initial confinement, abduction, restraint, or imprisonment occurred, the applicable period of limitation does not begin to run until the victim has reached the age of 18 or the victim's liberty has been restored, whichever occurs later.” For both of these additions, this applies to an offense that is not otherwise barred from prosecution on or before the effective date of this act.” The act would take effect upon becoming law.

Offenders sentenced to prison for kidnapping someone of any age in FY 15-16 differed in the amount of time between their offenses and sentencing date: 24 (adj.) were sentenced within a year of their offense, 29 (adj.) within two years, 17 (adj.) within three years, 8 (adj.) within four years, and 7 (adj.) within five years. There were 10 (adj.) additional with longer time periods between offense and sentence, with the longest time period being nearly 16 years. Those sentenced for false imprisonment of someone of any age in FY 15-16 also differed in the amount of time between their offenses and sentencing date: 63 (adj.) were sentenced within a year of their offense, 26 (adj.) within two years, 16 (adj.) within three years, 7 (adj.) within four years, and 4 (adj.) within five years. There were 7 (adj.) additional with longer time periods between offense and sentence, with the longest time period being nearly 12 years. Finally, those sentenced for false imprisonment of someone under 13 years old with an aggravating offense committed in FY 15-16 showed 1 sentenced within two years and one sentenced within three years. The fewer offenders with each additional year implies a declining number over time, but data is not available on the number of unreported past and future offenses that could be captured in an expanded statute of limitation. Furthermore, without being able to separate those under 13 years old and those between 13 and 17 years old from the available data, we cannot see how these time periods correspond with current law.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate