

Committee on Criminal Justice

CS/HB 305 — Offenses Involving Children

by Criminal Justice Subcommittee and Rep. Baker and others (CS/CS/SB 312 by Judiciary Committee; Criminal Justice Committee; and Senators Collins and Hooper)

The bill amends s. 90.803, F.S., to increase the age for the child hearsay exception from 16 years of age to 17 years of age. The hearsay rule is a rule of evidence which prohibits the admission of out-of-court statements that are offered to prove the truth of the matter asserted as evidence in judicial proceedings.

Under the child hearsay exception in current law, an out-of-court statement made by a child victim with a physical, mental, emotional, or developmental age of 16 or less describing any act of child abuse or neglect, any act of sexual abuse against a child, the offense of child abuse, the offense of aggravated child abuse, or any offense involving an unlawful sexual act, contact, intrusion, or penetration performed in the presence of, with, by, or on the declarant child, not otherwise admissible, is admissible in evidence in any civil or criminal proceeding if:

- The court finds in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient safeguards of reliability; and
- The child either testifies, or is unavailable as a witness and there is other corroborative evidence of abuse or offense.

The bill amends s. 775.21, F.S., requiring a person convicted of a human trafficking offense, where the victim is a minor under s. 787.06(3)(f) and (g), F.S., to be designated a sexual predator on a first offense. The bill provides that any violation of s. 787.06(3)(f) and (g), F.S., will require registration as a sexual predator if the offender has a previous qualifying offense.

Under current law, s. 787.06(3)(f) and (g), F.S., which generally relate to human trafficking for commercial sexual activity, do not require an offender to be designated as a sexual predator based solely on a single conviction. Both s. 787.06(3)(f) and (g), F.S., require an offender to have a specified prior sexual offense conviction before he or she is required to be designated as a sexual predator upon such a conviction.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 38-0; House 115-0