

Time Limit on Sex-Abuse Cases

By Atty. Jay C. Howell



Most of our citizens are aware that there are time limits on taking any legal action. Every state has laws which prescribe how long after an incident that a legal action may be initiated. In the criminal justice system there are general guidelines in the Florida Statutes concerning these time limitations. Prosecution for a misdemeanor generally must be commenced within two years after it is committed for the most serious misdemeanors, and within one year for the less serious misdemeanors.

Prosecution for a felony of the first degree must be commenced within four years. Our criminal statutes state that prosecution for what is called a capital felony, a life

felony, or a felony that resulted in a death, may be commenced at any time. In fact, there is no statute of limitations on these most serious crimes.

Under our current law, sexual crimes against children are subject to provisions which expand the time limits for filing civil claims or criminal charges. These current statutes provide that for the crimes of sexual battery, lewd or lascivious assault upon a child, or incest, the time period for filing criminal charges does not begin to run until the victim has reached the age of 18 or the violation is reported to law enforcement, whichever occurs earlier. Traditionally, a sexual battery crime committed upon a child under 12 years of age had no time limits. The charges could be filed at any time.

In the civil justice system there are various time limits mandated by our statutes. Generally speaking, claims

for injuries based on assault or battery must be brought within four years. Claims based upon the death of an individual as a result of someone else's negligence, must be brought within two years. These laws are often called statutes of limitations. The word "limitation" means the time at the end of which no legal action or lawsuit can be maintained.

Currently, the statute of limitations in a civil injury case against the perpetrator may expire after age 25 and a claim against an institution or other entity may expire four years after the incident.

There are many exceptions to these rules. The statute of limitations for a particular crime or for a particular type of civil action is often specified in a Florida Statute. If this sounds confusing and very technical, it is - even to attorneys. The purpose of this article is to highlight the new law; it is fairly simple.

The 2010 session of the Florida legislature made a significant change in the time limits which apply to sexual abuse cases involving children. The new statute declares that an action relating to what our laws identify as a sexual battery that involves a victim who was under the age of 16 years at the time of the act, may be commenced at any time. The new law applies to both civil actions and criminal charges.

What does this mean? First, it is important to know that the new law only applies to incidents and criminal offenses which occur on or after July 1, 2010. This means that old claims for crimes will be subject to the same statute of limitations that existed before this new law. Second, it only applies to acts which constitute a "sexual battery" under Florida law. "Sexual battery" in Florida means a penetration by or union with the sexual organ of another or penetration by

another with any other object. "Sexual battery" does not always include fondling of a child, engaging in acts of prostitution with children, or promoting sexual performances by a child. Third, this new law applies only to incidents where the child is under the age of 16 at the time of the act. If the victim is 16 or 17 years of age or older, this new expanded period of limitations does not apply.

This legislation will be too late to help past victims, but will make it easier for future child victims to seek justice in a civil or criminal courtroom.

This new law shall take effect on July 1, 2010. The new law is House Bill 525. It was passed unanimously by the Florida House and Senate.

Jay Howell, a Jacksonville attorney, has been a State Prosecutor, a US Senate Investigator, and the founder of the National Center for Missing and Exploited Children. He represents crime victims in civil claims for damages and advocates for the legal rights of all victims.

ON THE SIDE OF VICTIMS!!



Faith Corner

The Faith Community holds the key to true Restorative Justice for all mankind. Many churches and businesses support this concept. The Justice Coalition wishes to thank the following for their support in our quest for this goal of compassion and understanding:

Inspirational Thought



Come unto me, all ye that labor and are heavy laden, and I will give you rest. Take my yoke upon you and learn of me, for I am meek and lowly at heart and ye shall find rest unto your souls. For my yoke is easy, and my burden is light.

Matthew 11:28-30

CRS
Butch Childers
Paul A. Gibbs
Childers Roofing & Sheetmetal Inc.
Quality Commercial Roofing

10416-196 New Berlin Rd.
Jacksonville, FL 32226-2216
#CCC044923

696-8550 Office
696-8551 Fax

HE
Contemporary Business Services
Scott L. Adams

(904) 387-1128
Fax (904) 388-5798
scott@cbsjax.com

4070 Herschel Suite 3
Jacksonville, FL 32210
www.cbsjax.com

TOTAL OFFICE PRODUCTS
Wayne Malone
Account Executive

Phone (904) 260-0911
Fax (904) 260-7575
waynem@totalop-jax.com

Corporate Office
9452 Philips Hwy., Ste 7
Jacksonville, Florida 32256
www.totalop-jax.com

Reach The Christian Market In Jacksonville & St. Augustine
Advertise Your Business Today!!!

Call Ron or Sandra Knouse
The Shepherd's Guide
RonKnouse@aol.com
SandraKnouse@aol.com
904-377-5757

General Contractor State Certified
CGC 015338

Williams & Rowe Co.
5215 HIGHWAY AVE.
JACKSONVILLE, FLORIDA 32254

Office:
387-2333
387-1414

JOHNNY WILLIAMS, OWNER

L.D. BRADLEY LAND SURVEYORS

5773 Normandy Boulevard, Jacksonville, Florida 32205
Phone: (904) 786-6400 • Fax: (904) 786-1479
djohnson@ldbradley.net

Land • Topographic • Hydrographic • Precise Geodetic Control
Highway & Global Positioning Systems

COUNTRY TO CONTEMPORARY

circle K furniture
LARGEST SELECTION OF HOME FURNISHINGS AND ACCESSORIES IN JACKSONVILLE

239 JONES ROAD • JACKSONVILLE, FL 32220
(904) 781-1079 FAX: (904) 781-2357

Store Hours: Mon-Sat: 10:00-6:00
Sunday: 1:00-5:00 • www.circlekfurniture.com

EVANGEL TEMPLE ASSEMBLY OF GOD
Pastors Cecil and Garry Wiggins

Services: Sunday 8:15 a.m. • 10:45 a.m. • 6:00 p.m.
Wednesday - 7:30 p.m.

www.evangeltempleag.org • email: evangeltemple@evangeltempleag.org
5755 Ramona Blvd. (One Block East of Lane Ave. & I-10)
(904) 781-9393

WYMM Jacksonville's Christian Radio Operating at 50K watts Serving all of NE Florida
AM 1530

Quality Preaching and Teaching Programs
Committed to Glorifying God in all we do
Advertise your business through Radio Ministry

5900 Picketville Rd. Jacksonville, FL 32254
Call us today @ (904) 786-2820 or Email: wymmpatrick@yahoo.com Web Site: wymmradio.com

If your business or church would like to appear in this section, please contact us at 783-6312.

I N G O D W E T R U S T !