

By Commissioner Evans

1                                   A proposal to revise  
2       ARTICLE I, s. 16, Fla. Const.; requiring that  
3       the state reimburse a person falsely charged  
4       with a crime for the costs of a successful  
5       defense whenever the charges are dismissed or  
6       the person is acquitted.

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8   It is proposed by the Florida Constitution Revision Commission  
9   that:

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11       Section 1. Section 16 of Article I of the Florida  
12   Constitution is revised by amending that section to read:

13                                   ARTICLE I

14                                   DECLARATION OF RIGHTS

15       SECTION 16. Rights of accused and of victims.--

16       (a) In all criminal prosecutions the accused shall,  
17   upon demand, be informed of the nature and cause of the  
18   accusation against him, and shall be furnished a copy of the  
19   charges, and shall have the right to have compulsory process  
20   for witnesses, to confront at trial adverse witnesses, to be  
21   heard in person, by counsel or both, and to have a speedy and  
22   public trial by impartial jury in the county where the crime  
23   was committed. If the county is not known, the indictment or  
24   information may charge venue in two or more counties  
25   conjunctively and proof that the crime was committed in that  
26   area shall be sufficient; but before pleading the accused may  
27   elect in which of those counties he will be tried. Venue for  
28   prosecution of crimes committed beyond the boundaries of the  
29   state shall be fixed by law.

30       (b) Victims of crime or their lawful representatives,  
31   including the next of kin of homicide victims, are entitled to

1 the right to be informed, to be present, and to be heard when  
2 relevant, at all crucial stages of criminal proceedings, to  
3 the extent that these rights do not interfere with the  
4 constitutional rights of the accused.

5 (c) A person falsely charged with a crime shall be  
6 reimbursed by the state for reasonable and necessary costs of  
7 a successful defense whenever the charges are dismissed or the  
8 person is acquitted.