

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 1230

INTRODUCER: Criminal Justice Committee and Senator Baxley

SUBJECT: Criminal Judgments

DATE: February 6, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Storch	Jones	CJ	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1230 requires that a judgment of guilty or not guilty of petit theft or a felony or guilty judgment of a misdemeanor under ch. 796, F.S., be in a written or an *electronic* record, signed by the judge, and recorded by the clerk of the court.

The bill requires electronically captured fingerprints of a defendant who is found guilty of petit theft, a felony, or a misdemeanor under ch. 796, F.S., be included in the electronic judgment and associated with a transaction control number. The bill requires the judge to certify that the digital fingerprints are those of the defendant.

The bill retains the requirement for the social security number of a defendant who is found guilty of a felony to be taken and provides that such number must be specified in the written or *electronic* judgment.

The bill is effective July 1, 2018.

II. Present Situation:

Petit Theft and Felony Judgments

Every criminal judgment adjudicating a person guilty or not guilty of petit theft or a felony must be *in writing*, signed by the judge, and recorded by the clerk of the court.¹

At the time the judgment of guilty is rendered, the fingerprints of the defendant must be taken and affixed beneath the judge's signature to such judgment. Beneath the fingerprints, the judge must certify and attest that such fingerprints belong to the defendant. Such certification is admissible as prima facie evidence that the fingerprints are those of the defendant.²

For a guilty felony judgment, in addition to the defendant's fingerprints, the judge must also record the defendant's social security number and affix it to the written judgment. If the defendant is unable or unwilling to provide his or her social security number, the reason for its absence must be indicated on the written judgment.³

Criminal Judgments Under Chapter 796, F.S.

Chapter 796, F.S., governs prostitution and similar crimes. Every criminal judgment adjudicating a person guilty of an offense governed by ch. 796, F.S., must be in writing, signed by the judge, and recorded by the clerk of the circuit court.⁴ Additionally, the fingerprints of the defendant must be taken and affixed beneath the judge's signature to such judgment.⁵ Beneath the fingerprints, the judge must certify and attest that such fingerprints belong to the defendant. Such certification is admissible as prima facie evidence that the fingerprints are those of the defendant.⁶

III. Effect of Proposed Changes:

The bill requires that a judgment of guilty or not guilty of petit theft, a felony, or a judgment of guilty for a misdemeanor under ch. 796, F.S., must be in a written or an *electronic* record, signed by the judge, and recorded by the clerk of the court.

The bill requires that an electronic record must contain the judge's electronic signature. The bill defines this as any letters, characters, symbols, or process manifested by electronic or similar means and attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.⁷

Current law requires the fingerprints of a defendant with a guilty judgment of petit theft, a felony, or a misdemeanor under ch. 796, F.S., be taken. The bill requires manual fingerprints to

¹ Sections 812.014(3)(d)1. and 921.241(2), F.S.

² Sections 812.014(3)(d)2. and 921.241(2) and (3), F.S.

³ Section 921.241(4), F.S.

⁴ Section 921.242(1), F.S.

⁵ *Id.*

⁶ Section 921.242(2), F.S.

⁷ Section 933.40(1)(d), F.S.

be attached to a written judgment. For an electronic judgment, the bill requires the fingerprints to be electronically captured and included in the judgment with the judge's electronic signature.

The bill provides that digital fingerprint records will be associated with a transaction control number. The bill defines the transaction control number as the unique identifier comprised of numbers, letters, or other symbols for a digital fingerprint record, which is generated by the device used to electronically capture the fingerprints. The bill requires the judge to certify that the digital fingerprints associated with the transaction control number are those of the defendant.

Current law provides that the judge's certification of a written record is admissible as prima facie evidence that the fingerprints included in the judgment are those of the defendant. The bill provides that the judge's certification of an electronic record will be regarded in the same manner.

Current law requires the social security number of a defendant who is found guilty of a felony to be taken and indicated in the record. The bill retains this requirement and provides that such number must be specified in the written or *electronic* judgment.

The bill reenacts s. 775.084, F.S., to make conforming changes for the purposes of incorporating amendments made by the bill.

The bill is effective July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill permits the courts to implement an electronic fingerprinting and judgment process. Circuits that wish to implement such electronic recordkeeping will need to procure electronic Live Scan fingerprinting technology, which could provide for initial costs associated with implementing this electronic system. However, this may save money and reduce the workload on the courts in the long run to the extent that it is less time consuming to create and maintain electronic criminal fingerprints and judgments.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 812.014, 921.241, and 921.242.

This bill reenacts section 775.084 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on February 6, 2018:

The Committee Substitute:

- Requires a judgment of guilty or not guilty of a petit theft or a judgment of guilty for a misdemeanor under ch. 796, F.S., be in a written or electronic record, signed by the judge, and recorded by the clerk of the court;
- Requires an electronic record to contain the judge's electronic signature;
- Defines a transaction control number;
- Requires manual fingerprints be attached to the written judgment;
- Requires electronically captured fingerprints be associated with a transaction control number and included in the electronic judgment;
- Requires the judge to certify that the digital fingerprints included in the electronic judgment are those of the defendant;
- Provides that the judge's certification and signature on an electronic judgment is admissible as prima facie evidence that the fingerprints included in the judgment are those of the defendant against whom the judgment is rendered; and

⁸ Office of the State Courts Administrator, *2018 Judicial Impact Statement for SB 1230*, (January 17, 2018) (on file with the Senate Criminal Justice Committee).

- Requires the social security number of a defendant with a guilty judgment for a felony be taken and included in an electronic judgment.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
