

By Senator Hargrett

21-883-98

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A bill to be entitled
An act relating to false personation; amending
s. 817.02, F.S.; providing that obtaining
property by false personation is a
second-degree felony; providing penalties;
creating s. 817.021, F.S.; providing that it is
unlawful to give a false name or false
identification to an arresting officer or jail
personnel; providing penalties; providing for
correcting public records pertaining to a
person who has been adversely affected by an
individual's giving a false name or false
identification; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 817.02, Florida Statutes, is
amended to read:

817.02 Obtaining property by false
personation.--Whoever falsely personates or represents
another, and in such assumed character receives any property
intended to be delivered to the party so personated, with
intent to convert the same to his or her own use, commits a
felony of the second degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084 ~~shall be punished as if he
or she had been convicted of larceny.~~

Section 2. Section 817.021, Florida Statutes, is
created to read:

817.021 Giving false name or false identification to
arresting officer or jail personnel.--

1 (1) It is unlawful for an individual who has been
2 arrested or lawfully detained by a law enforcement officer to
3 give a false name, or in any way to falsely identify himself
4 or herself, to the law enforcement officer or to any county
5 jail personnel.

6 (2)(a) A violation of subsection (1) is a misdemeanor
7 of the first degree, punishable as provided in s. 775.082 or
8 s. 775.083.

9 (b) If a court finds that another person is adversely
10 affected because an individual violated subsection (1) by
11 falsely providing that person's name or identification, the
12 violation is a felony of the third degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 (3) Upon application to the court having jurisdiction
15 over the violation of subsection (1), a person who has been
16 adversely affected by the unlawful use of his or her name as
17 provided in subsection (1) may obtain from the court such
18 orders as are appropriate to amend the public record by
19 correcting any errors that resulted from the violation of
20 subsection (1). A court, as part of sentencing an individual
21 who has violated subsection (1) and has thereby adversely
22 affected another person, may order restitution and may also
23 issue such orders as are necessary to amend the public record
24 by correcting any errors that resulted from the violation.

25 Section 3. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Provides that obtaining property by false personation is a second-degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

Provides that it is unlawful to give a false name to an arresting officer or jail personnel. Provides penalties, including enhanced penalties when the use of a false name or false identification adversely affects another person. Provides for correcting public records pertaining to a person who has been adversely affected by another individual's giving a false name or false identification.