

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Civil Justice & Claims offered the following:

**Amendment**

On page 7, between lines 6 & 7 of the bill

insert:

(c) The attorney general and state attorney shall provide notification as provided in subsections (3) and (4) on cases where the mandate has issued on the date that this statute becomes effective, but where initial requests for public records have not been made.

(d) If, on the date that this statute becomes effective, a defendant is represented by appointed CCRC or private counsel, and he or she has initiated the public records request process, counsel shall file within ninety days of the effective date of this statute, a written demand for any additional records that have not previously been the subject of a notice to produce. An agency may file an objection to such additional demand and the trial court shall hold a hearing as provided by paragraph (b). This statute shall not be a basis for renewing requests that have been

1 initiated previously or for relitigating issues pertaining to  
2 production of public records upon which a court has ruled  
3 prior to the effective date of the statute, or for stopping an  
4 execution which has been scheduled based upon a warrant  
5 executed by the governor prior to the effective date of the  
6 Statute.

7 (e) If, on the date that this statute becomes  
8 effective, the defendant has had a 3.850 motion denied and no  
9 3.850 motion is pending, no additional requests shall be made  
10 by CCRC or contracted private counsel until a death warrant is  
11 signed by the governor and an execution is scheduled. Within  
12 ten days of the signing of the death warrant, CCRC or  
13 contracted private counsel may request of a person or agency  
14 that the defendant has previously requested to produce records  
15 any records previously requested to which no objection was  
16 raised or sustained, but which the agency has received or  
17 produced since the previous request or which for any reason  
18 the agency has in its possession and did not produce within  
19 ten days of the receipt of the previous notice or such shorter  
20 time period ordered by the court to comply with the time for  
21 the scheduled execution. The person or agency shall produce  
22 the record or shall file in the trial court an affidavit  
23 stating that it does not have the requested record or that the  
24 record has been produced previously

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