

By Senator Holzendorf

21-1462-98

See HB

1 A bill to be entitled
 2 An act relating to expunction of criminal
 3 history records; creating the "Anderson C.
 4 Hill, II, and Karla Faye Tucker Forgiveness
 5 Act"; creating s. 943.0587, F.S.; providing for
 6 mandatory expunction of certain felony offense
 7 records upon application to the Department of
 8 Law Enforcement under specified circumstances
 9 when the offenses were committed by a person
 10 under 22 years of age who has not committed any
 11 additional felony offenses for at least 6
 12 years; providing an exception for capital
 13 felonies, life felonies, and felonies of the
 14 first degree; providing for application for
 15 expunction; providing for an application fee;
 16 providing for adoption of rules by the
 17 Department of Law Enforcement; providing for
 18 construction; providing an effective date.

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

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 22 Section 1. This act may be cited as the "Anderson C.
 23 Hill, II, and Karla Faye Tucker Forgiveness Act."

24 Section 2. Section 943.0587, Florida Statutes, is
 25 created to read:

26 943.0587 Mandatory expunction of certain felony
 27 records upon application to department.--

28 (1) APPLICATION; REQUIREMENTS.--Notwithstanding s.
 29 943.0585, s. 943.059, or any other provision of law or rule to
 30 the contrary, a person may seek to expunge criminal history
 31 records of felony offenses by making application to the

1 Department of Law Enforcement for mandatory expunction of the
2 felony records when all of the following requirements are met:

3 (a) Each of the felony offenses for which expunction
4 of the criminal history record is sought is a felony of the
5 second degree or felony of the third degree for which the
6 person was convicted or had adjudication withheld. This
7 section does not apply to criminal history records for
8 offenses which are capital felonies, life felonies, or
9 felonies of the first degree.

10 (b) The person was under 22 years of age when the
11 person committed any of the felonies for which expunction of
12 the criminal history records is sought.

13 (c) The person has not committed any additional felony
14 offense for a minimum period of 6 years since the date of
15 adjudication or adjudication withheld for the most recent
16 felony or the date the person was released from confinement
17 for the most recent felony from a detention facility, jail,
18 prison, or other correctional facility, whichever date is
19 later. The 6-year period shall be deemed to include periods
20 during which the person was under any form of postrelease
21 correctional supervision.

22 (d) The person has remitted a \$75 processing fee to
23 the department for placement in the Department of Law
24 Enforcement Operating Trust Fund, unless such fee is waived by
25 the executive director.

26 (2) APPLICATION GRANT; EFFECT.--Upon verification that
27 the requirements of subsection (1) have been met, the
28 department shall grant the application to expunge, and provide
29 for expungement of the records. The department shall act upon
30 the application to expunge the felony records, when granted,

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1 as it would act upon an order to expunge the records had it
2 been entered by a court.

3 (3) RULEMAKING.--The department shall, by rule adopted
4 pursuant to chapter 120, establish procedures to implement
5 this section, including procedures pertaining to verification
6 and notification of the application for mandatory expunction
7 of felony records.

8 (4) CONSTRUCTION.--This section shall be construed so
9 that the courts of this state continue to have jurisdiction
10 over their own procedures, including the maintenance,
11 expunction, sealing, and correction of judicial records
12 containing criminal history information to the extent such
13 procedures are not inconsistent with the conditions,
14 responsibilities, and duties established by this section.

15 Section 3. This act shall take effect July 1 of the
16 year in which enacted.

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19 HOUSE SUMMARY

20
21 Creates the "Anderson C. Hill, II, and Karla Faye Tucker
22 Forgiveness Act." Provides for mandatory expunction of
23 certain felony records upon application to the Department
24 of Law Enforcement, under specified circumstances when
25 the offenses were committed by a person under 22 years of
26 age who has not committed any additional felony offense
27 for at least 6 years. Provides an exception for capital
28 felonies, life felonies, and felonies of the first
29 degree. Provides for application for expunction. Provides
30 for an application fee. Provides for adoption of rules by
31 the Department of Law Enforcement. Provides for
construction.