

By Senator Campbell

33-487-99

See HB

1 A bill to be entitled
2 An act relating to arrests; amending s. 901.02,
3 F.S., relating to issuance of arrest warrants;
4 providing that the court may issue a warrant
5 for the defendant's arrest which provides for
6 the defendant's release upon his or her own
7 recognizance under specified circumstances when
8 a complaint has been filed charging the
9 commission of a misdemeanor only and the
10 summons issued to the defendant is returned
11 unserved; creating s. 901.36, F.S.; prohibiting
12 a person who has been arrested or lawfully
13 detained by a law enforcement officer from
14 giving a false name or otherwise falsely
15 identifying himself or herself to the law
16 enforcement officer or county jail personnel;
17 providing penalties; prohibiting a person who
18 has been arrested or lawfully detained by a law
19 enforcement officer from adversely affecting
20 another person by giving a false name belonging
21 to another person or otherwise falsely
22 identifying himself or herself to the law
23 enforcement officer or county jail personnel;
24 providing penalties; permitting the adversely
25 affected person to obtain court orders to
26 correct public records under specified
27 circumstances; authorizing issuance of such
28 court orders by the sentencing court; providing
29 for restitution orders; providing an effective
30 date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 901.02, Florida Statutes, is
4 amended to read:

5 901.02 When warrant of arrest to be issued.--

6 (1) A warrant may be issued for the arrest of the
7 person complained against if the magistrate, from the
8 examination of the complainant and other witnesses, reasonably
9 believes that the person complained against has committed an
10 offense within the magistrate's jurisdiction.

11 (2) The court may issue a warrant for the defendant's
12 arrest which provides for release of the defendant upon his or
13 her own recognizance when all of the following circumstances
14 apply:

15 (a) A complaint has been filed charging the commission
16 of a misdemeanor only;

17 (b) The summons issued to the defendant has been
18 returned unserved; and

19 (c) The conditions of subsection (1) are met.

20 Section 2. Section 901.36, Florida Statutes, is
21 created to read:

22 901.36 Prohibition against giving false name or false
23 identification by person arrested or lawfully detained;
24 penalties; court orders.--

25 (1) It is unlawful for a person who has been arrested
26 or lawfully detained by a law enforcement officer to give a
27 false name, or otherwise falsely identify himself or herself
28 in any way, to the law enforcement officer or any county jail
29 personnel. Except as provided in subsection (2), any person
30 who violates this subsection commits a misdemeanor of the

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1 first degree, punishable as provided in s. 775.082 or s.
2 775.083.
3 (2) It is unlawful for a person who has been arrested
4 or lawfully detained by a law enforcement officer to adversely
5 affect another person by giving a false name belonging to
6 another person, or by otherwise falsely identifying himself or
7 herself in any way as another person, to the law enforcement
8 officer or any county jail personnel. A person who violates
9 this subsection commits a felony of the third degree,
10 punishable as provided in s. 775.082, s. 775.083, or s.
11 775.084.
12 (3)(a) In sentencing a person for violation of this
13 section, a court may order restitution.
14 (b) The sentencing court may issue such orders as are
15 necessary to correct any public record because it contains a
16 false name or other false identification information given in
17 violation of this section.
18 (c) Upon application to the court, a person adversely
19 affected by the unlawful use of his or her name or other
20 identification in violation of this section may obtain from
21 the court orders necessary to correct any public record, as
22 described in paragraph (b).
23 Section 3. This act shall take effect July 1, 1999.
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LEGISLATIVE SUMMARY

Provides that the court may issue a warrant for the defendant's arrest which provides for the defendant's release upon his or her own recognizance under specified circumstances when a complaint has been filed charging the commission of a misdemeanor only and the summons issued to the defendant has been returned unserved. Prohibits a person who has been arrested or lawfully detained by a law enforcement officer from giving a false name or otherwise falsely identifying himself or herself to the law enforcement officer or any county jail personnel. Provides penalties. Prohibits adversely affecting another person in violation of such prohibition. Provides penalties. Permits the adversely affected person to obtain court orders to correct public records under specified circumstances. Authorizes issuance of such court orders. Provides for restitution orders.