

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Gelber offered the following:

Amendment (with title amendment)

Remove lines 148 through 172 and insert:

(4) TRANSFER OF OWNERSHIP OF FIREARMS IN VIOLATION OF STATE OR FEDERAL LAWS.--Persons who knowingly transfer ownership of firearms in violation of state or federal laws are not immune from prosecution for obstruction of justice or any other offense related to destruction of records of the transactions.

(5) PENALTIES.--

(a) Any person who violates a provision of this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as required by the provisions of s. 16, Art. I of the State Constitution or the Sixth Amendment to the United States Constitution, no public funds shall be used to defend the
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18 unlawful conduct of any person charged with a violation of this
19 section, unless the charges against such person are dismissed or
20 such person is determined to be not guilty at trial.

21 (c) The governmental entity, or the designee of such
22 governmental entity, in whose service or employ a list, record,
23 or registry was compiled in violation of this section may be
24 assessed a fine of not more than \$5 million, if the court
25 determines that the evidence shows that the list, record, or
26 registry was compiled or maintained with the knowledge or
27 complicity of the management of the governmental entity. The
28 Attorney General may bring a civil cause of action to enforce
29 the fines assessed under this paragraph.

30 (d) The state attorney in the appropriate jurisdiction
31 shall investigate complaints of criminal violations of this
32 section and, where evidence indicates a violation may have
33 occurred, shall vigorously prosecute violators.

34 (6) LIBERAL CONSTRUCTION.--This section shall be liberally
35 construed to effectuate its remedial and deterrent purposes.

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37 ===== T I T L E A M E N D M E N T =====

38 Remove line 11 and insert:

39
40 providing exceptions; providing that persons who knowingly
41 transfer ownership of firearms in violation of state or
42 federal laws are not immune from prosecution for
43 obstruction of justice or any other offense related to
44 destruction of records of the transactions; providing
45 criminal penalties for a