

By Senator Smith

14-1255-04

1 A bill to be entitled
2 An act relating to disciplinary procedures
3 applicable to a prisoner for filing frivolous
4 or malicious actions; amending s. 944.279,
5 F.S.; providing that if a court finds that a
6 prisoner brought a frivolous or malicious
7 collateral criminal proceeding that is filed
8 after a specified date, the prisoner is subject
9 to disciplinary procedures under the rules of
10 the Department of Corrections; providing an
11 effective date.

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

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15 Section 1. Section 944.279, Florida Statutes, is
16 amended to read:

17 944.279 Disciplinary procedures applicable to prisoner
18 for filing frivolous or malicious actions or bringing false
19 information before court.--

20 (1) At any time, and upon its own motion or on motion
21 of a party, a court may conduct an inquiry into whether any
22 action or appeal brought by a prisoner was brought in good
23 faith. A prisoner who is found by a court to have brought a
24 frivolous or malicious suit, action, claim, proceeding, or
25 appeal in any court of this state or in any federal court,
26 which is filed after June 30, 1996, or to have brought a
27 frivolous or malicious collateral criminal proceeding, which
28 is filed after September 30, 2004, or who knowingly or with
29 reckless disregard for the truth brought false information or
30 evidence before the court, is subject to disciplinary
31 procedures pursuant to the rules of the Department of

1 Corrections. The court shall issue a written finding and
2 direct that a certified copy be forwarded to the appropriate
3 institution or facility for disciplinary procedures pursuant
4 to the rules of the department as provided in s. 944.09.

5 (2) This section does not apply to a criminal
6 proceeding ~~or a collateral criminal proceeding.~~

7 (3) For purposes of this section, "prisoner" means a
8 person who is convicted of a crime and is incarcerated for
9 that crime or who is being held in custody pending extradition
10 or sentencing.

11 Section 2. This act shall take effect October 1, 2004.

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14 SENATE SUMMARY

15 Provides that if a court finds that a prisoner has filed
16 a frivolous or malicious collateral criminal proceeding
17 after a specified date, the prisoner is subject to
disciplinary procedures under the rules of the Department
of Corrections.

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