

1                                   A bill to be entitled  
 2           An act relating to juvenile records; amending s. 943.051,  
 3           F.S.; deleting the requirement that a minor who is charged  
 4           with certain offenses be fingerprinted; amending s.  
 5           943.053, F.S.; prohibiting the Department of Law  
 6           Enforcement from releasing any criminal history  
 7           information relating to minors without the corresponding  
 8           disposition information; amending s. 985.212, F.S.;  
 9           limiting the use of certain juvenile records; requiring  
 10          the clerk of the court to submit disposition information  
 11          to the Department of Juvenile Justice in certain  
 12          circumstances; providing an effective date.

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

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16           Section 1. Subsection (3) of section 943.051, Florida  
 17 Statutes, is amended to read:

18           943.051 Criminal justice information; collection and  
 19 storage; fingerprinting.--

20           (3) (a) A minor who is ~~charged with or~~ found to have  
 21 committed an offense that would be a felony if committed by an  
 22 adult shall be fingerprinted and the fingerprints shall be  
 23 submitted to the department in the manner prescribed by rule.

24           (b) A minor who is ~~charged with or~~ found to have committed  
 25 the following offenses shall be fingerprinted and the  
 26 fingerprints shall be submitted to the department:

- 27           1. Assault, as defined in s. 784.011.  
 28           2. Battery, as defined in s. 784.03.

- 29 | 3. Carrying a concealed weapon, as defined in s.
- 30 | 790.01(1).
- 31 | 4. Unlawful use of destructive devices or bombs, as
- 32 | defined in s. 790.1615(1).
- 33 | 5. Negligent treatment of children, as defined in s.
- 34 | 827.05.
- 35 | 6. Assault or battery on a law enforcement officer, a
- 36 | firefighter, or other specified officers, as defined in s.
- 37 | 784.07(2)(a) and (b).
- 38 | 7. Open carrying of a weapon, as defined in s. 790.053.
- 39 | 8. Exposure of sexual organs, as defined in s. 800.03.
- 40 | 9. Unlawful possession of a firearm, as defined in s.
- 41 | 790.22(5).
- 42 | 10. Petit theft, as defined in s. 812.014(3).
- 43 | 11. Cruelty to animals, as defined in s. 828.12(1).
- 44 | 12. Arson, as defined in s. 806.031(1).
- 45 | 13. Unlawful possession or discharge of a weapon or
- 46 | firearm at a school-sponsored event or on school property as
- 47 | defined in s. 790.115.

48 | Section 2. Subsection (10) is added to section 943.053,  
 49 | Florida Statutes, to read:

50 | 943.053 Dissemination of criminal justice information;  
 51 | fees.--

52 | (10) Notwithstanding any other provision of law, the  
 53 | Department of Law Enforcement may not release any criminal  
 54 | history information relating to a minor without the  
 55 | corresponding disposition information.

56 | Section 3. Subsection (1) of section 985.212, Florida

57 Statutes, is amended to read:

58 985.212 Fingerprinting and photographing.--

59 (1) (a) A child who is ~~charged with or~~ found to have  
 60 committed an offense that would be a felony if committed by an  
 61 adult shall be fingerprinted and the fingerprints must be  
 62 submitted to the Department of Law Enforcement as provided in s.  
 63 943.051(3) (a) .

64 (b) A child who is ~~charged with or~~ found to have committed  
 65 one of the following offenses shall be fingerprinted, and the  
 66 fingerprints shall be submitted to the Department of Law  
 67 Enforcement as provided in s. 943.051(3) (b) :

68 1. Assault, as defined in s. 784.011.

69 2. Battery, as defined in s. 784.03.

70 3. Carrying a concealed weapon, as defined in s.  
 71 790.01(1) .

72 4. Unlawful use of destructive devices or bombs, as  
 73 defined in s. 790.1615(1) .

74 5. Negligent treatment of children, as defined in former  
 75 s. 827.05.

76 6. Assault on a law enforcement officer, a firefighter, or  
 77 other specified officers, as defined in s. 784.07(2) (a) .

78 7. Open carrying of a weapon, as defined in s. 790.053.

79 8. Exposure of sexual organs, as defined in s. 800.03.

80 9. Unlawful possession of a firearm, as defined in s.  
 81 790.22(5) .

82 10. Petit theft, as defined in s. 812.014.

83 11. Cruelty to animals, as defined in s. 828.12(1) .

84 12. Arson, resulting in bodily harm to a firefighter, as

85 defined in s. 806.031(1).

86 13. Unlawful possession or discharge of a weapon or  
87 firearm at a school-sponsored event or on school property as  
88 defined in s. 790.115.

89 (c) A law enforcement agency may fingerprint and  
90 photograph a child taken into custody upon probable cause that  
91 the ~~such~~ child has committed any other violation of law, as the  
92 agency deems appropriate. The ~~Such~~ fingerprint records and  
93 photographs shall be retained by the law enforcement agency in a  
94 separate file, and these records and all copies thereof must be  
95 marked "Juvenile Confidential." These records are not available  
96 for public disclosure and inspection under s. 119.07(1) except  
97 as provided in ss. 943.053 and 985.04(5), but shall be available  
98 to other law enforcement agencies, criminal justice agencies,  
99 state attorneys, the courts, the child, the parents or legal  
100 custodians of the child, their attorneys, and any other person  
101 authorized by the court to have access to the ~~such~~ records. In  
102 addition, the ~~such~~ records may be submitted to the Department of  
103 Law Enforcement for inclusion in the state criminal history  
104 records and used by criminal justice agencies for criminal  
105 justice purposes only as provided under paragraphs (a) and (b).  
106 These records may, in the discretion of the court, be open to  
107 inspection by anyone upon a showing of cause. The fingerprint  
108 and photograph records shall be produced in the court whenever  
109 directed by the court. Any photograph taken pursuant to this  
110 section may be shown by a law enforcement officer to any victim  
111 or witness of a crime for the purpose of identifying the person  
112 who committed the ~~such~~ crime.

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113        (d)~~(e)~~ The court shall be responsible for the  
114 fingerprinting of any child at the disposition hearing if the  
115 child has been adjudicated or had adjudication withheld for any  
116 felony in the case currently before the court.

117        (e) If a child is found to have committed an offense that  
118 would be a felony if committed by an adult or one of the  
119 offenses listed in paragraph (b), the clerk of the court shall  
120 submit the disposition information to the department within 60  
121 days after the disposition hearing.

122        Section 4. This act shall take effect July 1, 2006.