

By Senator Siplin

19-187-06

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A bill to be entitled

An act relating to wrongful criminal convictions; creating s. 914.145, F.S.; providing for civil damages for certain wrongful criminal convictions; providing for joint and several liability; providing for a statute of limitations; providing an effective date.

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

Section 1. Section 914.145, Florida Statutes, is created to read:

914.145 Wrongful convictions; civil damages.--

(1) Any person convicted of a crime whose conviction was based upon evidence fabricated or deceptively manipulated by any law enforcement agency or state attorney shall have a civil cause of action against the law enforcement agency or state attorney that fabricated or deceptively manipulated the evidence.

(2) Liability under subsection (1) shall be joint and several.

(3) The statute of limitations applicable to a cause of action created by this section shall:

(a) Run from the time a person convicted as described in subsection (1) is exonerated in a court of law.

(b) Be as provided under s. 95.11(3)(o).

Section 2. This act shall take effect July 1, 2006.

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SENATE SUMMARY

Provides that a person whose conviction is based upon fabricated or manipulated evidence has a civil cause of action against the law enforcement agency or state attorney that fabricated or manipulated the evidence. Provides for joint and several liability.