

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 1230

INTRODUCER: Criminal Justice Committee and Senator Baxley

SUBJECT: Criminal Judgments

DATE: February 12, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Storch</u>	<u>Jones</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1230 authorizes a judge to enter a judgment of guilty or not guilty in an electronic record or to enter it in a written record as under current law, for a petit theft or any felony. The bill affords a judge this same option for entering a judgment of guilt for a crime relating to prostitution.

In a case involving one of these three categories of crimes, current law requires a guilty defendant's fingerprints to be taken and included with the judgment. The bill permits a court that is entering one of these judgments electronically to also electronically take and enter the defendant's fingerprints.

Current law also requires these judgments to include the judge's certification that the fingerprints are authentic. As to electronically captured fingerprints, the bill requires a similar certification, which must also include a "transaction control number."

Finally, the electronic judgements authorized in the bill are admissible in the courts of this state as prima facie evidence that the fingerprints are those of the defendant against whom the judgment was entered.

II. Present Situation:

Judgments in Cases of Petit Theft, Felonies, and Crimes Relating Prostitution

A judgment in a case of petit theft or any felony, as well as a judgement of guilt in a crime relating to prostitution under s. 796, F.S., must be in writing, signed by the judge, and recorded by the clerk of the court.¹

At the time the judgment of guilty is rendered, the defendant's fingerprints must be taken and affixed beneath the judge's signature. Beneath the fingerprints, the judge must certify and attest that the fingerprints belong to the defendant.

This judgment is admissible in other cases in this state as prima facie evidence that the fingerprints are those of the defendant against whom the judgment was entered.²

When entering a felony judgment of guilt, the judge must also record the defendant's social security number and affix it to the judgment. If the defendant is unable or unwilling to provide his or her social security number, the reason for its absence must be indicated on the written judgment.³

III. Effect of Proposed Changes:

The bill authorizes a judge to enter a judgment of guilty or not guilty in an electronic record or to enter it in a written record as under current law, for a petit theft or any felony. The bill affords a judge these same options for entering a judgment of guilt for a crime relating to prostitution.

In a case involving one of these three categories of crimes, current law requires a guilty defendant's fingerprints to be taken and included with the judgment. The bill permits a court that is entering one of these judgments electronically to also electronically capture and enter the defendant's fingerprints.

Current law also requires these judgments to include the judge's certification that the fingerprints are authentic. As to electronically captured fingerprints, the bill requires a similar certification, which must also include a "transaction control number." The transaction control number is a unique identifier comprised of number, letter, or other symbols for a digital fingerprint record. It is generated at the time the fingerprints are taken.

Finally, the electronic judgements authorized in the bill are admissible in the courts of this state as prima facie evidence that the fingerprints are those of the defendant against whom the judgment was entered.

The bill is effective July 1, 2018.

¹ Sections 812.014(3)(d)1. and 921.241(2), F.S.

² Sections 812.014(3)(d)2. and 921.241(2) and (3), F.S.

³ Section 921.241(4), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill permits the courts to implement an electronic fingerprinting and judgment process. Circuits that wish to implement this electronic recordkeeping will need to procure electronic Live Scan fingerprinting technology, which will have costs to implement this electronic system. However, this may save money and reduce the workload on the courts in the long run to the extent that it is less time consuming to create and maintain electronic criminal fingerprints and judgments.⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 812.014, 921.241, and 921.242.

⁴ Office of the State Courts Administrator, *2018 Judicial Impact Statement for SB 1230*, (Jan. 17, 2018) (on file with the Senate Judiciary Committee).

This bill reenacts section 775.084 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on February 6, 2018:

The Committee Substitute:

- Requires a judgment of guilty or not guilty of a petit theft or a judgment of guilty for a misdemeanor under ch. 796, F.S., be in a written or electronic record, signed by the judge, and recorded by the clerk of the court;
- Requires an electronic record to contain the judge’s electronic signature;
- Defines a transaction control number;
- Requires manual fingerprints be attached to the written judgment;
- Requires electronically captured fingerprints be associated with a transaction control number and included in the electronic judgment;
- Requires the judge to certify that the digital fingerprints included in the electronic judgment are those of the defendant;
- Provides that the judge’s certification and signature on an electronic judgment is admissible as prima facie evidence that the fingerprints included in the judgment are those of the defendant against whom the judgment is rendered; and
- Requires the social security number of a defendant with a guilty judgment for a felony be taken and included in an electronic judgment.

- B. **Amendments:**

None.