

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Altman offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7
8 Section 1. Paragraph (d) of subsection (3) of section
9 812.014, Florida Statutes, is amended to read:

10 (d)1. A ~~Every~~ judgment of guilty or not guilty of a petit
11 theft shall be in:

12 a. A written record that is ~~writing~~, signed by the judge,
13 and recorded by the clerk of the circuit court; or

14 b. An electronic record that contains the judge's
15 electronic signature, as defined in s. 933.40, and is recorded
16 by the clerk of circuit court.

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17 2. At the time a defendant is found guilty of petit theft,
18 ~~the~~ ~~The~~ judge shall cause the following to occur ~~to be affixed~~
19 ~~to every such written judgment of guilty of petit theft,~~ in open
20 court and in the presence of such judge:r

21 a. For a written judgment of guilty, the fingerprints of
22 the defendant against whom such judgment is rendered shall be
23 manually taken. Such fingerprints shall be affixed beneath the
24 judge's signature on the ~~to such~~ judgment. Beneath such
25 fingerprints shall be appended a certificate to the following
26 effect:

27 "I hereby certify that the above and foregoing fingerprints
28 on this judgment are the fingerprints of the defendant, , and
29 that they were placed thereon by said defendant in my presence,
30 in open court, this the day of , (year) ."

31
32 Such certificate shall be signed by the judge, whose signature
33 thereto shall be followed by the word "Judge."

34 b. For an electronic judgment of guilty, s. 921.241(3)(b)
35 applies.

36 ~~3.2. A~~ Any such written or an electronic judgment of
37 guilty of a petit theft, or a certified copy thereof, is
38 admissible in evidence in the courts of this state as provided
39 in s. 921.241(4) ~~prima facie evidence that the fingerprints~~
40 ~~appearing thereon and certified by the judge are the~~

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41 ~~fingerprints of the defendant against whom such judgment of~~
42 ~~guilty of a petit theft was rendered.~~

43 Section 2. Section 921.241, Florida Statutes, is amended
44 to read:

45 921.241 Felony judgments; fingerprints and social security
46 number required in record.-

47 (1) As used in this section, the term:

48 (a) "Electronic signature" has the same meaning as in s.
49 933.40.

50 (b) "Transaction control number" means the unique
51 identifier comprised of numbers, letters, or other symbols for a
52 digital fingerprint record which is generated by the device used
53 to electronically capture the fingerprints ~~At the time a~~
54 ~~defendant is found guilty of a felony, the judge shall cause the~~
55 ~~defendant's fingerprints to be taken.~~

56 (2) A ~~Every~~ judgment of guilty or not guilty of a felony
57 shall be in:

58 (a) A written record that is writing, signed by the judge,
59 and recorded by the clerk of the court; or

60 (b) An electronic record that contains the judge's
61 electronic signature and is recorded by the clerk of court.

62 (3) At the time a defendant is found guilty of a felony,
63 the ~~The~~ judge shall cause the following to occur ~~to be affixed~~
64 ~~to every written judgment of guilty of a felony,~~ in open court
65 and in the presence of such judge:

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66 (a) For a written judgment of guilty, and at the time the
67 judgment is rendered, the fingerprints of the defendant shall be
68 manually taken and against whom such judgment is rendered. Such
69 fingerprints shall be affixed beneath the judge's signature on
70 the to such judgment. Beneath such fingerprints shall be
71 appended a certificate to the following effect:

72 "I hereby certify that the above and foregoing fingerprints
73 on this judgment are the fingerprints of the defendant,,
74 and that they were placed thereon by said defendant in my
75 presence, in open court, this the day of,
76 . . . (year)"

77
78 Such certificate shall be signed by the judge, whose signature
79 thereto shall be followed by the word "Judge."

80 (b) For an electronic judgment of guilty, the fingerprints
81 of the defendant shall be electronically captured and the
82 following certificate shall be included in the electronic
83 judgment:

84 "I hereby certify that the digital fingerprint record
85 associated with Transaction Control Number contains the
86 fingerprints of the defendant,, which were electronically
87 captured from the defendant in my presence, in open court, this
88 the day of, . . . (year)"

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90 The judge shall place his or her electronic signature, which
91 shall be followed by the word "Judge," on the certificate.

92 (4)-(3) A written or electronic ~~Any such written~~ judgment
93 of guilty ~~of a felony~~, or a certified copy thereof, shall be
94 admissible in evidence in the several courts of this state as
95 prima facie evidence that the:

96 (a) Manual fingerprints appearing thereon and certified by
97 the judge as aforesaid are the fingerprints of the defendant
98 against whom the ~~such~~ judgment of guilty ~~of a felony~~ was
99 rendered.

100 (b) Digital fingerprint record associated with the
101 transaction control number specified in the judge's certificate
102 contains the fingerprints of the defendant against whom the
103 judgment of guilty was rendered.

104 (5)-(4) At the time the defendant's fingerprints are
105 manually taken or electronically captured, the judge shall also
106 cause the defendant's social security number to be taken. The
107 defendant's social security number shall be specified in each
108 ~~affixed to every written~~ or electronic judgment of guilty of a
109 felony, in open court, in the presence of such judge, and at the
110 time the judgment is rendered. If the defendant is unable or
111 unwilling to provide his or her social security number, the
112 reason for its absence shall be specified in ~~indicated on the~~
113 written or electronic judgment.

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114 Section 3. Section 921.242, Florida Statutes, is amended to
115 read:

116 Section 921.242 Subsequent offenses under chapter 796;
117 method of proof applicable.—

118 (1) A ~~Every~~ judgment of guilty with respect to any offense
119 governed by the provisions of chapter 796 shall be in:

120 (a) A written record that is ~~writing~~, signed by the judge,
121 and recorded by the clerk of the circuit court; or

122 (b) An electronic record that contains the judge's
123 electronic signature, as defined in s. 933.40, and is recorded
124 by the clerk of circuit court.

125 (2) At the time a defendant is found guilty, the ~~The~~ judge
126 shall cause the following to occur ~~to be affixed to every such~~
127 ~~written judgment of guilty,~~ in open court and in the presence of
128 such judge:

129 (a) For a written judgment of guilty, the fingerprints of
130 the defendant against whom such judgment is rendered shall be
131 manually taken. Such fingerprints shall be affixed beneath the
132 judge's signature on the ~~to any such~~ judgment. Beneath such
133 fingerprints shall be appended a certificate to the following
134 effect:

135 "I hereby certify that the above and foregoing fingerprints
136 are of the defendant, (name) , and that they were placed
137 thereon by said defendant in my presence, in open court, this
138 the day of , (year) ."

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139 Such certificate shall be signed by the judge, whose
140 signature thereto shall be followed by the word "Judge."

141 (b) For an electronic judgment of guilty, s. 921.241(3)(b)
142 applies.

143 ~~(2)(3) A Any such written or an electronic judgment of guilty,~~
144 ~~or a certified copy thereof, shall be admissible in evidence in~~
145 ~~the several courts of this state as provided in s. 921.241(4)~~
146 ~~prima facie evidence that the fingerprints appearing thereon and~~
147 ~~certified by the judge as aforesaid are the fingerprints of the~~
148 ~~defendant against whom such judgment of guilty was rendered.~~

150 -----
151 **T I T L E A M E N D M E N T**

152 Remove everything before the enacting clause and insert:
153 An act relating to judgments in criminal cases; amending s.
154 812.014, F.S.; providing for electronic records of
155 judgments; amending s. 921.241, F.S.; providing for
156 electronic records of judgments; amending s. 921.242, F.S.;
157 providing for electronic records of judgments; providing an
158 effective date.