

By the Committee on Criminal Justice; and Senator Bracy

591-02587-18

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1 A bill to be entitled
2 An act relating to criminal history records; creating
3 s. 943.0586, F.S.; requiring the Criminal Justice
4 Information Program to administratively seal the
5 criminal history records of a minor upon notification
6 by the clerk of the court under specified
7 circumstances; providing applicability for the
8 administrative sealing of specified criminal history
9 records; providing a contingent effective date.

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

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13 Section 1. Section 943.0586, Florida Statutes, is created
14 to read:

15 943.0586 Administrative sealing of criminal history records
16 of minors.—

17 (1) The Criminal Justice Information Program shall
18 administratively seal the criminal history records pertaining to
19 an arrest or incident of alleged criminal activity of a minor
20 charged with a felony, misdemeanor, or violation of a comparable
21 rule or ordinance by a state, county, municipal, or other law
22 enforcement agency upon notification by the clerk of the court,
23 pursuant to s. 943.052(2), that all the charges related to the
24 arrest or incident of alleged criminal activity were declined to
25 be filed by the state attorney or statewide prosecutor, were
26 dismissed or nolle prosequi before trial, or resulted in a
27 judgment of acquittal or a verdict of not guilty at trial and
28 that all appeals by the prosecution have been exhausted or the
29 time to file an appeal has expired.

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30 (2) The sealing under this section of a criminal history
31 record has the same effect as a sealing under s. 943.059(4).

32 (3) Sealing granted under this section does not prevent the
33 minor who receives such relief from petitioning for the
34 expunction or sealing of a criminal history record as provided
35 for in ss. 943.0582, 943.0583, 943.0585, and 943.059, if the
36 minor is otherwise eligible under those sections.

37 Section 2. This act shall take effect July 1, 2018, but
38 only if SB 862 or similar legislation takes effect, if such
39 legislation is adopted in the same legislative session or an
40 extension thereof and becomes law.