

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Bracy Davis offered the following:

4

5 **Amendment**

6 Remove lines 19-71 and insert:

7 a court-ordered sealing is:

8 1. Not related to an offense for which the person was
 9 adjudicated guilty of, or adjudicated delinquent for, committing
 10 any of the acts stemming from the arrest or alleged criminal
 11 activity to which the petition to seal pertains; or

12 2. Related to a misdemeanor offense for which the person
 13 was adjudicated guilty if the misdemeanor offense was not a
 14 violent offense; a misdemeanor crime of domestic violence, as
 15 defined in s. 741.28; or a misdemeanor violation of s. 741.29,

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16 s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or
17 s. 784.049.

18 ~~(c)-(b)~~ The person has never, before the date the
19 application for a certificate of eligibility is filed, been
20 adjudicated guilty ~~in this state of a criminal offense,~~ or been
21 adjudicated delinquent in this state for committing any offense
22 listed in s. 943.0584 felony or any of the following misdemeanor
23 offenses, unless the record of such adjudication of delinquency
24 has been expunged pursuant to s. 943.0515:

25 1. Assault, as defined in s. 784.011;

26 2. Battery, as defined in s. 784.03;

27 3. Assault on a law enforcement officer, a firefighter, or
28 other specified officers, as defined in s. 784.07(2)(a);

29 4. Carrying a concealed weapon, as defined in s.
30 790.01(2);

31 5. Open carrying of a weapon, as defined in s. 790.053;

32 6. Unlawful possession or discharge of a weapon or firearm
33 at a school-sponsored event or on school property, as defined in
34 s. 790.115;

35 7. Unlawful use of destructive devices or bombs, as
36 defined in s. 790.1615(1);

37 8. Unlawful possession of a firearm by a minor, as defined
38 in s. 790.22(5);

39 9. Exposure of sexual organs, as defined in s. 800.03;

40 10. Arson, as defined in s. 806.031(1);

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- 41 11. Petit theft, as defined in s. 812.014(3);
42 12. Neglect of a child, as defined in s. 827.03(1)(e); or
43 13. Cruelty to animals, as defined in s. 828.12(1).

44 ~~(c) The person has not been adjudicated guilty of, or~~
45 ~~adjudicated delinquent for committing, any of the acts stemming~~
46 ~~from the arrest or alleged criminal activity to which the~~
47 ~~petition to seal pertains.~~

48 (d) The person is no longer serving the sentence or under
49 ~~court~~ supervision applicable to the disposition of arrest or
50 alleged criminal activity to which the petition to seal
51 pertains.

52 (e) The person has not ~~never~~ secured a prior expunction or
53 more than one a prior sealing or expunction of a criminal
54 history record under this section, s. 943.0585, former s.
55 893.14, former s. 901.33, or former s. 943.058. In addition, if
56 the criminal history record is related to an offense for which
57 the person was adjudicated guilty, the person cannot have
58 previously secured a prior sealing of a criminal history record
59 related to an offense for which the person was adjudicated
60 guilty.