

By the Committee on Criminal Justice and Senator Campbell

307-1700-99

1 A bill to be entitled
2 An act relating to arrests; amending s. 901.02,
3 F.S., relating to issuance of arrest warrants;
4 providing that a warrant is issued at the time
5 it is signed by the magistrate; providing that
6 the court may issue a warrant for the
7 defendant's arrest under specified
8 circumstances when a complaint has been filed
9 charging the commission of a misdemeanor only
10 and the summons issued to the defendant is
11 returned unserved; creating s. 901.36, F.S.;
12 prohibiting a person who has been arrested or
13 lawfully detained by a law enforcement officer
14 from giving a false name or otherwise falsely
15 identifying himself or herself to the law
16 enforcement officer or county jail personnel;
17 providing penalties; providing for an increased
18 penalty if a person is adversely affected by
19 the unlawful use of the person's name or other
20 identification; permitting the adversely
21 affected person to obtain court orders to
22 correct public records under specified
23 circumstances; authorizing issuance of such
24 court orders by the sentencing court; providing
25 for restitution orders; providing an effective
26 date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 901.02, Florida Statutes, is
31 amended to read:

1 901.02 When warrant of arrest to be issued.--
2 (1) A warrant may be issued for the arrest of the
3 person complained against if the magistrate, from the
4 examination of the complainant and other witnesses, reasonably
5 believes that the person complained against has committed an
6 offense within the magistrate's jurisdiction. A warrant is
7 issued at the time it is signed by the magistrate.
8 (2) The court may issue a warrant for the defendant's
9 arrest when all of the following circumstances apply:
10 (a) A complaint has been filed charging the commission
11 of a misdemeanor only;
12 (b) The summons issued to the defendant has been
13 returned unserved; and
14 (c) The conditions of subsection (1) are met.
15 Section 2. Section 901.36, Florida Statutes, is
16 created to read:
17 901.36 Prohibition against giving false name or false
18 identification by person arrested or lawfully detained;
19 penalties; court orders.--
20 (1) It is unlawful for a person who has been arrested
21 or lawfully detained by a law enforcement officer to give a
22 false name, or otherwise falsely identify himself or herself
23 in any way, to the law enforcement officer or any county jail
24 personnel. Except as provided in subsection (2), any person
25 who violates this subsection commits a misdemeanor of the
26 first degree, punishable as provided in s. 775.082 or s.
27 775.083.
28 (2) A person who violates subsection (1), if such
29 violation results in another person being adversely affected
30 by the unlawful use of his or her name or other
31 identification, commits a felony of the third degree,

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084.

3 (3)(a) In sentencing a person for violation of this
4 section, a court may order restitution.

5 (b) The sentencing court may issue such orders as are
6 necessary to correct any public record because it contains a
7 false name or other false identification information given in
8 violation of this section.

9 (c) Upon application to the court, a person adversely
10 affected by the unlawful use of his or her name or other
11 identification in violation of this section may obtain from
12 the court orders necessary to correct any public record, as
13 described in paragraph (b).

14 Section 3. This act shall take effect July 1, 1999.

15

16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 738

19

19 - Provides that a warrant is issued when it is signed by
20 the magistrate.

21 - Provides that it is a third degree felony for a person
22 to provide a false name or otherwise false
23 identification to a law enforcement officer or county
24 jail personnel if such act results in adversely
25 affecting another person.

26

27

28

29

30

31