ENROLLED 2004 Legislature

SB 1596

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2	An act relating to disciplinary procedures
3	applicable to a prisoner for filing frivolous
4	or malicious actions; amending s. 944.279,
5	F.S.; providing that if a court finds that a
6	prisoner brought a frivolous or malicious
7	collateral criminal proceeding that is filed
8	after a specified date, the prisoner is subject
9	to disciplinary procedures under the rules of
10	the Department of Corrections; providing an
11	effective date.
12	
13	Be It Enacted by the Legislature of the State of Florida:
14	
15	Section 1. Section 944.279, Florida Statutes, is
16	amended to read:
17	944.279 Disciplinary procedures applicable to prisoner
18	for filing frivolous or malicious actions or bringing false
19	information before court
20	(1) At any time, and upon its own motion or on motion
21	of a party, a court may conduct an inquiry into whether any
22	action or appeal brought by a prisoner was brought in good
23	faith. A prisoner who is found by a court to have brought a
24	frivolous or malicious suit, action, claim, proceeding, or
25	appeal in any court of this state or in any federal court,
26	which is filed after June 30, 1996, <u>or to have brought a</u>
27	frivolous or malicious collateral criminal proceeding, which
28	is filed after September 30, 2004, or who knowingly or with
29	reckless disregard for the truth brought false information or
30	evidence before the court, is subject to disciplinary
31	procedures pursuant to the rules of the Department of

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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

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1 Corrections. The court shall issue a written finding and 2 direct that a certified copy be forwarded to the appropriate 3 institution or facility for disciplinary procedures pursuant 4 to the rules of the department as provided in s. 944.09. 6 (2) 7 (3) 8 person who is convicted of a crime and is incarcerated for 9 that crime or who is being held in custody pending extradition 10 or sentencing. 11 Section 2. This act shall take effect October 1, 2004. 12 13 14 14 15 14 16 17 17 18 18 19 19 14 12 14 13 14 14 15 15 14 16 17 17 18 18 19 19 11 12 12 13 14 14 15 15 16 16 17 </th <th>1</th> <th></th>	1	
<pre>institution or facility for disciplinary procedures pursuant to the rules of the department as provided in s. 944.09. (2) This section does not apply to a criminal proceeding or a collateral criminal proceeding. (3) For purposes of this section, "prisoner" means a person who is convicted of a crime and is incarcerated for that crime or who is being held in custody pending extradition or sentencing. Section 2. This act shall take effect October 1, 2004. Section 2. This act shall take effect Octobe</pre>	1	Corrections. The court shall issue a written finding and
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