

1 A bill to be entitled
 2 An act relating to judgments in criminal cases;
 3 amending s. 812.014, F.S.; providing for electronic
 4 records of judgments; amending s. 921.241, F.S.;
 5 providing for electronic records of judgments;
 6 providing definitions; providing forms; providing for
 7 collection of fingerprints; amending s. 921.242, F.S.;
 8 providing for electronic records of judgments;
 9 providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Paragraph (d) of subsection (3) of section
 14 812.014, Florida Statutes, is amended to read:

15 812.014 Theft.—

16 (3)

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

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

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

24 2. At the time a defendant is found guilty of petit theft,
 25 the judge shall cause the following to occur ~~to be affixed to~~

26 ~~every such written judgment of guilty of petit theft,~~ in open
 27 court and in the judge's presence: ~~of such judge~~

28 a. For a written judgment of guilty, the fingerprints of
 29 the defendant against whom such judgment is rendered shall be
 30 manually taken and. ~~Such fingerprints shall be~~ affixed beneath
 31 the judge's signature on the ~~to such~~ judgment. Beneath such
 32 fingerprints shall be appended a certificate to the following
 33 effect:

34 "I hereby certify that the above and foregoing fingerprints
 35 on this judgment are the fingerprints of the defendant, ,
 36 and that they were placed thereon by said defendant in my
 37 presence, in open court, this the day of ,
 38 . . . (year)"

39
 40 Such certificate shall be signed by the judge, whose signature
 41 thereto shall be followed by the word "Judge."

42 b. For an electronic judgment of guilty, s. 921.241(3)(b)
 43 applies.

44 3.2. A ~~Any such~~ written or an electronic judgment of
 45 guilty of a petit theft, or a certified copy thereof, is
 46 admissible in evidence in the courts of this state as provided
 47 in s. 921.241(4) ~~prima facie evidence that the fingerprints~~
 48 ~~appearing thereon and certified by the judge are the~~
 49 ~~fingerprints of the defendant against whom such judgment of~~
 50 ~~guilty of a petit theft was rendered.~~

51 Section 2. Section 921.241, Florida Statutes, is amended
 52 to read:

53 921.241 Felony judgments; fingerprints and social security
 54 number required in record.—

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

56 (a) "Electronic signature" has the same meaning as in s.
 57 933.40.

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

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

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

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

70 (3) At the time a defendant is found guilty of a felony,
 71 the judge shall cause the following to occur ~~to be affixed to~~
 72 ~~every written judgment of guilty of a felony,~~ in open court and,
 73 in the judge's presence: ~~of such judge~~

74 (a) For a written judgment of guilty, and at the time the
 75 judgment is rendered, the fingerprints of the defendant shall be

76 manually taken and against whom such judgment is rendered. Such
 77 fingerprints shall be affixed beneath the judge's signature on
 78 the ~~to such~~ judgment. Beneath such fingerprints shall be
 79 appended a certificate to the following effect:

80 "I hereby certify that the above and foregoing fingerprints
 81 on this judgment are the fingerprints of the defendant, ,
 82 and that they were placed thereon by said defendant in my
 83 presence, in open court, this the day of ,
 84 . . . (year)"

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

87 (b) For an electronic judgment of guilty, the fingerprints
 88 of the defendant shall be electronically captured and the
 89 following certificate shall be included in the electronic
 90 judgment:

91 "I hereby certify that the digital fingerprint record
 92 associated with Transaction Control Number contains the
 93 fingerprints of the defendant, , which were electronically
 94 captured from the defendant in my presence, in open court, this
 95 the day of , . . . (year)"

96
 97 The judge shall place his or her electronic signature, which
 98 shall be followed by the word "Judge," on the certificate.

99 (4)-(3) A written or electronic ~~Any such written~~ judgment
 100 of guilty ~~of a felony~~, or a certified copy thereof, shall be

101 | admissible in evidence in the several courts of this state as
 102 | prima facie evidence that the:

103 | (a) Manual fingerprints appearing thereon and certified by
 104 | the judge as aforesaid are the fingerprints of the defendant
 105 | against whom the ~~such~~ judgment of guilty ~~of a felony~~ was
 106 | rendered.

107 | (b) Digital fingerprint record associated with the
 108 | transaction control number specified in the judge's certificate
 109 | contains the fingerprints of the defendant against whom the
 110 | judgment of guilty was rendered.

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

121 | Section 3. Section 921.242, Florida Statutes, is amended to
 122 | read:

123 | 921.242 Subsequent offenses under chapter 796; method of
 124 | proof applicable.—

125 | (1) A ~~Every~~ judgment of guilty with respect to any offense

126 governed by the provisions of chapter 796 shall be in:

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

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

132 (2) At the time a defendant is found guilty, the judge
133 shall cause the following to occur ~~to be affixed to every such~~
134 ~~written judgment of guilty,~~ in open court and in the judge's
135 presence; ~~of such judge~~

136 (a) For a written judgment of guilty, the fingerprints of
137 the defendant against whom such judgment is rendered shall be
138 manually taken and. ~~Such fingerprints shall be~~ affixed beneath
139 the judge's signature on the ~~to any such~~ judgment. Beneath such
140 fingerprints shall be appended a certificate to the following
141 effect:

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

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

148 (b) For an electronic judgment of guilty, s. 921.241(3)(b)
149 applies.

150 (3)-(2) A ~~Any such~~ written or an electronic judgment of

CS/HB 1401

2018

151 | guilty, or a certified copy thereof, shall be admissible in
152 | evidence in the several courts of this state as provided in s.
153 | 921.241(4) ~~prima facie evidence that the fingerprints appearing~~
154 | ~~thereon and certified by the judge as aforesaid are the~~
155 | ~~fingerprints of the defendant against whom such judgment of~~
156 | ~~guilty was rendered.~~

157 | Section 4. This act shall take effect July 1, 2018.