



213074

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Brandes) recommended the following:

Senate Amendment

Delete lines 200 - 340

and insert:

2. A ~~At the time a defendant is found guilty of petit theft, the judge shall cause the following to occur in open court and in the judge's presence:~~

a. ~~For a written judgment of guilty, the fingerprints of a the defendant who is found guilty of petit theft to against whom such judgment is rendered shall be manually taken or electronically captured and affixed beneath the judge's~~



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12 ~~signature on the judgment. Beneath~~ Such fingerprints must be
13 certified and filed in the case in which the judgment of guilty
14 is entered as provided in s. 921.241(3). ~~shall be appended a~~
15 ~~certificate to the following effect:~~

16
17 ~~"I hereby certify that the above and foregoing fingerprints~~
18 ~~on this judgment are the fingerprints of the defendant,,~~
19 ~~and that they were placed thereon by said defendant in my~~
20 ~~presence, in open court, this the day of,~~
21 ~~...(year)...."~~

22
23 ~~Such certificate shall be signed by the judge, whose signature~~
24 ~~thereto shall be followed by the word "Judge."~~

25 ~~b. For an electronic judgment of guilty, the fingerprints~~
26 ~~of the defendant must be electronically captured and a~~
27 ~~certificate must be issued as provided in s. 921.241(3) (b).~~

28 3. A written or an electronic judgment of guilty of a petit
29 theft, or a certified copy thereof, is admissible in evidence in
30 the courts of this state as provided in s. 921.241(4).

31 Section 10. Section 921.241, Florida Statutes, is amended
32 to read:

33 921.241 Felony judgments and ~~+~~ fingerprints ~~and social~~
34 ~~security number~~ required in record.-

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

36 (a) "Electronic signature" has the same meaning as in s.
37 933.40.

38 (b) "Transaction control number" means the unique
39 identifier comprised of numbers, letters, or other symbols for a
40 digital fingerprint record generated by the device used to



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41 electronically capture the fingerprints.

42 (2) A judgment of guilty or not guilty of a felony must
43 ~~shall~~ be in:

44 (a) A written record ~~that is~~ signed by the judge and
45 recorded by the clerk of the court; or

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

48 (3) ~~A At the time a defendant is found guilty of a felony,~~
49 ~~the judge shall cause the following to occur in open court and~~
50 ~~in the judge's presence:~~

51 ~~(a) For a written judgment of guilty, the fingerprints of a~~
52 ~~the defendant who is found guilty of a felony to shall be~~
53 ~~manually taken or electronically captured. If the fingerprints~~
54 ~~are:~~

55 (a) Manually taken, the fingerprints must be filed in the
56 case in which ~~and affixed beneath the judge's signature on the~~
57 judgment of guilty is entered. Beneath such fingerprints shall
58 be appended a certification ~~certificate~~ to the following effect:

59
60 "I hereby certify that the above and foregoing fingerprints
61 ~~on this judgment~~ are the fingerprints of the defendant,,
62 and that they were placed thereon by said defendant in my
63 presence, ~~in open court,~~ this the day of,
64 . . . (year)"

65
66 The court officer, the employee of the court, or the employee of
67 a criminal justice agency who manually took the fingerprints
68 shall place his or her written signature on the certification.
69 ~~Such certificate shall be signed by the judge, whose signature~~



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70 ~~thereto shall be followed by the word "Judge."~~

71 (b) ~~For an electronic judgment of guilty, the fingerprints~~
72 ~~of the defendant shall be Electronically captured, and the~~
73 ~~following certification must ~~certificate shall be~~ filed in the~~
74 ~~case in which included in the electronic judgment of guilty is~~
75 entered:

76
77 "I hereby certify that the digital fingerprint record
78 associated with Transaction Control Number contains the
79 fingerprints of the defendant,, which were electronically
80 captured from the defendant in my presence, ~~in open court,~~ this
81 the day of, ... (year)...."

82
83 The court officer, the employee of the court, or the employee of
84 a criminal justice agency who electronically captured the
85 fingerprints ~~judge~~ shall place his or her written or electronic
86 signature, ~~which shall be followed by the word "Judge,"~~ on the
87 certification ~~certificate.~~

88 (4) A written or electronic judgment of guilty, or a
89 certified copy thereof, is ~~shall be~~ admissible in evidence in
90 the several courts of this state as prima facie evidence that
91 the:

92 (a) Manual fingerprints filed in the case in which the
93 judgment of guilty is entered ~~appearing thereon~~ and certified ~~by~~
94 ~~the judge~~ as specified in this section aforesaid are the
95 fingerprints of the defendant against whom the judgment of
96 guilty was rendered.

97 (b) Digital fingerprint record associated with the
98 transaction control number specified in the certification



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99 required by this section and filed in the case in which the
100 judgment of guilty is entered ~~judge's certificate~~ contains the
101 fingerprints of the defendant against whom the judgment of
102 guilty was rendered.

103 ~~(5) At the time the defendant's fingerprints are manually~~
104 ~~taken or electronically captured, the judge shall also cause the~~
105 ~~defendant's social security number to be taken. The defendant's~~
106 ~~social security number shall be specified in each written or~~
107 ~~electronic judgment of guilty of a felony, in open court, in the~~
108 ~~presence of such judge, and at the time the judgment is~~
109 ~~rendered. If the defendant is unable or unwilling to provide his~~
110 ~~or her social security number, the reason for its absence shall~~
111 ~~be specified in the written or electronic judgment.~~

112 Section 11. Section 921.242, Florida Statutes, is amended
113 to read:

114 921.242 Subsequent offenses under chapter 796; method of
115 proof applicable.-

116 (1) A judgment of guilty with respect to any offense
117 governed by ~~the provisions of~~ chapter 796 must ~~shall~~ be in:

118 (a) A written record ~~that is~~ signed by the judge and
119 recorded by the clerk of the circuit court; or

120 (b) An electronic record that contains the judge's
121 electronic signature as defined in s. 933.40 and is recorded by
122 the clerk of the circuit court.

123 (2) ~~A~~ At the time a defendant is found guilty, the judge
124 shall cause the ~~following to occur in open court and in the~~
125 ~~judge's presence:~~

126 (a) ~~For a written judgment of guilty, the fingerprints of a~~
127 ~~the defendant~~ who is found guilty of any offense governed by



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128 ~~chapter 796 to against whom such judgment is rendered shall be~~
129 ~~manually taken or electronically captured. and affixed beneath~~
130 ~~the judge's signature on the judgment. Beneath Such fingerprints~~
131 ~~must be certified and filed in the case in which the judgment of~~
132 ~~guilty is entered as provided in s. 921.241(3). shall be~~
133 ~~appended a certificate to the following effect:~~

134
135 ~~"I hereby certify that the above and foregoing fingerprints~~
136 ~~are of the defendant, ... (name) ..., and that they were placed~~
137 ~~thereon by said defendant in my presence, in open court, this~~
138 ~~the day of, ... (year)"~~

139
140 ~~Such certificate shall be signed by the judge, whose signature~~
141 ~~thereto shall be followed by the word "Judge."~~

142 ~~(b) For an electronic judgment of guilty, the fingerprints~~
143 ~~of the defendant must be electronically captured, and a~~
144 ~~certificate must be issued as provided in s. 921.241(3) (b).~~