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FIRST AMENDMENT FOUNDATION

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LEGISLATIVE ALERT

April 28, 2017

**CS/SB 118, which just passed the House unanimously,
allows for the automatic administrative sealing of
criminal history records!!!!**

First, I'm going to apologize for not bringing this to your attention sooner. This session has been crazy and we're constantly reacting to one bad open government bill after another.

CS/SB 118 by Sen. Greg Steube (R-Sarasota) sets up a process by which certain criminal history records are *automatically sealed* once the opportunity for appeals has expired.

The bill allows for the automatic administrative sealing of criminal history record of adults and minors charged with felonies and misdemeanors *if*

- The statewide prosecutor or state attorney decline to file charges;
- All charges were dismissed before trial; or
- If the person charged was acquitted or found not guilty.

There is a BIG difference between administrative sealing of a criminal history record and expunction of that record, but the bottom line is this: If a criminal history record was sealed you will not find any mention of that record on FDLE's criminal history information web page.

There is a statutory process for expunction of a criminal history record and limitations on which records can be expunged. THAT IS NOT THE CASE with an automatic administrative sealing of a criminal history record and CS/SB 118 doesn't put any limit on the number of times a person's criminal history record can be sealed – it is an AUTOMATIC ADMINISTRATIVE ACTION.

This is a HUGE CONCERN as there are all sorts of reasons why a criminal defendant would be acquitted or found not guilty – insufficient evidence, a witness fails to appear, etc. etc. etc.

Think about it:

George Zimmerman: NOT GUILTY

Casey Anthony: NOT GUILTY

OJ Simpson: NOT GUILTY

**CS/SB 118 just passed the House unanimously and will be sent to the Governor who may act as early as May 5.
PLEASE SEND YOUR LETTERS AND RUN YOUR EDITORIAL AS SOON AS POSSIBLE.**

We need as much coverage of this misguided bill as possible.

Here's a link to the bill: <http://bit.ly/2pcKkgH>

Veto requests should be addressed and sent to:

The Honorable Rick Scott
Office of the Governor
The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

If you have questions about this proposed bill or any of the other bills currently on our tracking list, please contact Barbara Petersen at 800/337-3518 or sunshine@floridafaf.org.