

HB 1135 – Expunction of Criminal Records (Identical SB 1354)

Creates s. 943.0595, F.S., requiring the automatic expunction of certain criminal history records upon restoration of civil rights. This would be available to felons who have served their full sentences, but would not be available to violent career criminals, habitual felony offenders, three-time violent felony offenders, or registered sexual predators/offenders.

Per FDLE, the bill as currently written is presumed to restore firearm rights to those who have their records expunged. Per DOC, in FY 13-14, 2,343 (adj.) offenders were sentenced as felons/delinquents possessing firearms, with 1,251 (adj.) receiving a prison sentence (mean sentence length=38.1 m, incarceration rate: 53.4% adj-53.4% unadj).

No offenders were sentenced in FY 13-14 for providing false information on a sworn statement to the court while petitioning an expunction. However, it is possible that the change brought about by this bill might lead to an increased number of cases of those petitioning after the fact.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

Requested by: Senate