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1 A bill to be entitled 2 An act relating to public records; amending s. 3 119.071, F.S.; defining the term "postconviction reinvestigative information"; providing an exemption 4 5 from public records requirements for certain 6 postconviction reinvestigative information; providing 7 for retroactive application; providing for future 8 review and repeal of the exemption; providing a 9 statement of public necessity; providing an effective 10 date. 11 Be It Enacted by the Legislature of the State of Florida: 12 13 14 Section 1. Paragraph (q) is added to subsection (2) of section 119.071, Florida Statutes, to read: 15 16 119.071 General exemptions from inspection or copying of 17 public records.-18 (2) AGENCY INVESTIGATIONS.-19 (q)1. As used in this paragraph, the term "postconviction 20 reinvestigative information" means information compiled by a 21 state attorney, or other criminal justice agency at the request of the state attorney, for the purpose of making an evidence-22 based determination as to whether a person is innocent of a 23

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Postconviction reinvestigative information is exempt

CODING: Words stricken are deletions; words underlined are additions.

crime for which he or she was convicted.

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from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if it is related to an ongoing, good faith investigation of a claim of actual innocence and remains exempt until the claim is no longer capable of further reasonable investigation or the relief sought is granted. This exemption applies to postconviction reinvestigative information held by an agency before, on, or after the effective date of this exemption. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature. Section 2. The Legislature finds that it is a public necessity that postconviction reinvestigative information be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution if it is related to an ongoing, good faith investigation of a claim of actual innocence and remains exempt until the claim is no longer capable of further reasonable investigation or the relief sought is granted. Public release of postconviction reinvestigative information could result in the disclosure of sensitive information, such as the identity or location of an alternate suspect, a witness, or other evidence needed to exonerate a wrongfully convicted person, which could compromise the reinvestigation of a wrongfully convicted person's case. The Legislature further finds that it is necessary to protect this information in order

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to encourage witnesses, who might otherwise be reluctant to come forward, to be forthcoming with evidence of a crime. It is in the interest of pursuing justice for persons who may have been wrongfully convicted that all postconviction reinvestigative information be protected until investigation of the claim of actual innocence is concluded. The Legislature finds that the harm that may result from the release of such information outweighs any public benefit that may be derived from its disclosure, and it is in the interest of the public to safeguard, preserve, and protect information relating to a claim of actual innocence by a person who may have been convicted of a crime he or she did not commit.

Section 3. This act shall take effect July 1, 2020.