

Committee on Criminal Justice

CS/CS/HB 1241 — Probation and Community Control Violations

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Snyder and others
(CS/SB 1154 by Criminal Justice Committee and Senator Simon)

The bill amends s. 948.06, F.S., to revise provisions related to probation and the alternative sanctioning program. The bill requires a court to modify or continue, rather than revoke probation, if a probationer meets specified criteria. The bill includes as part of that criteria that the probationer has not been found in violation on *two or more separate occasions*. A court may modify probation and include up to 90 days jail for a first violation and up to 120 days for a second violation, as a condition of probation.

If the violation is a low risk violation, the court must hold a hearing on a violation of probation within 30 days after arrest, and give the probationer an opportunity to be fully heard on his or her behalf in person or by counsel. If the hearing is not held within 30 days, the court must release the probationer without bail unless the court finds that the hearing was not held in the applicable time frame due to circumstances attributable to the probationer. If released, the court may impose nonmonetary conditions of release.

The bill amends s. 921.0024, F.S., to provide that if a community sanction violation is resolved through the alternative sanctioning program, no sentencing points are assessed. Sentencing points are assessed on the Criminal Punishment Code Worksheet for various factors including, but not limited to, a person's: primary offense; additional offenses; prior record; legal status; and community sanction violations. If a community sanction violation that has not been resolved through the alternative sanctioning program is before the court, no points are assessed for prior violations that were resolved through the alternative sanctioning program.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 39-0; House 111-0