



481706

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2010	.	
	.	
	.	
	.	

---

The Committee on Criminal Justice (Dean) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 28 - 41  
and insert:

(c) Notwithstanding s. 907.041, when a probationer or an offender on community control is arrested and alleged to have committed a new law violation for which the court at first appearance finds probable cause, based upon the facts made known to the court the court may:

1. Determine whether it is more likely than not that the probationer or offender on community control will receive a prison sanction for violating the terms of community supervision



481706

13 based upon the arrest for a new law violation;

14 2. Detain the probationer or offender to await further  
15 hearing to determine the outcome of the violation if it appears  
16 more likely than not that the probationer or offender on  
17 community control will receive a prison sanction, or release the  
18 probationer or offender with or without bail on the violation.

19 a. If an affidavit alleging a violation is not filed and  
20 made known to the court within 10 days of the arrest on the new  
21 law violation, the order detaining or releasing the probationer  
22 or offender shall be dismissed.

23 b. If an affidavit alleging a violation is filed within 10  
24 days of the arrest and made known to the court, the court shall  
25 schedule a hearing no later than 10 days after the filing of the  
26 affidavit, unless waived by the probationer or offender, to  
27 determine whether its order of detention or release shall remain  
28 in effect.

29 3. Order the arrest and return of the probationer or  
30 offender to the court that granted community supervision under  
31 subsection (1)(a).

32  
33 This paragraph does not apply to a probationer or offender on  
34 community control who is subject to the hearing requirements  
35 under subsection (4) or paragraph (8)(e).

36  
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete lines 7 - 12

40 and insert:

41 probable cause, the court may determine the likelihood



481706

42 of a prison sanction on a violation based on the new  
43 arrest;providing that the court may order detention if  
44 it appears more likely than not that a prison sanction  
45 may be forthcoming on a violation; providing that the  
46 court may release the probationer or offender on  
47 community control with or without bail on the  
48 violation; providing that the court may order the  
49 probationer or offender's arrest and return to the  
50 original sentencing court under s.948.06(1)(a),F.S.;  
51 providing for dismissal of a detention or release  
52 order where no affidavit alleging a violation is filed  
53 within a specified period; providing for a hearing if  
54 an affidavit alleging a violation is timely filed;