

Committee on Criminal Justice

CS/SB 1478 — Criminal Sentencing

by Criminal Justice Committee and Senator Simon

The bill amends s. 921.0024, F.S., to prohibit assessment of community sanction violation points under the Criminal Punishment Code in the following manner:

- If the community sanction violation is resolved through the alternative sanctioning program (ASP) under s. 948.06(9), F.S., no points are assessed.
- If a community sanction violation not resolved through the ASP is before the court, no points are assessed for prior violations that were resolved through the ASP.

The bill amends s. 948.06, F.S., to do all of the following:

- Require a probation officer to proceed with the ASP in lieu of filing an affidavit of violation with the court if the probationer or offender on community control is eligible for the ASP and the violation is a low-risk violation as defined in paragraph (9)(b) of this section, unless directed by the court to submit or file an affidavit of violation as provided in this section.
- If the alleged violation is a low-risk violation, require the court, within 30 days after arrest or after counsel appears for the probationer or offender, whichever occurs later, to give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel.
- Require the court to release the probationer or offender without bail if no hearing is held within 30 days after arrest or after counsel appears for the probationer or offender, whichever occurs later, unless the court finds that a hearing was not held in the applicable timeframe due to circumstances attributable to the probationer or offender. If the probationer or offender is released, the court may impose nonmonetary conditions of release.
- For a first or second low-risk violation within the current term of supervision, require (rather than authorize) the probation officer to offer an eligible probationer one or more specified alternative sanctions.
- If the violation is a low-risk violation, require the court to impose the recommended sanction unless it records a finding of specific, identified risk to public safety, in which case it may direct the Department of Corrections to submit a violation report, affidavit, and warrant to the court.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2023.

Vote: Senate 40-0; House 116-0