

By Representative Hafner

1 A bill to be entitled
2 An act relating to correctional supervision;
3 amending s. 948.06, F.S.; permitting a law
4 enforcement officer to arrest a probationer or
5 offender in community control upon probable
6 cause that the probationer or offender has
7 materially violated probation or community
8 control, under specified circumstances;
9 reenacting ss. 948.01(9) and (13)(b) and
10 958.14, F.S., to incorporate said amendment in
11 references; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsection (1) of section 948.06, Florida
16 Statutes, is amended to read:

17 948.06 Violation of probation or community control;
18 revocation; modification; continuance; failure to pay
19 restitution or cost of supervision.--

20 (1) Whenever within the period of probation or
21 community control there are reasonable grounds to believe that
22 a probationer or offender in community control has violated
23 his probation or community control in a material respect, any
24 law enforcement officer who is aware of the probationary or
25 community control status of the probationer or offender in
26 community control or any parole or probation supervisor may
27 arrest or request any county or municipal law enforcement
28 officer to arrest such probationer or offender without warrant
29 wherever found and forthwith return him to the court granting
30 such probation or community control. Any committing
31 magistrate may issue a warrant, upon the facts being made

1 known to him by affidavit of one having knowledge of such
2 facts, for the arrest of the probationer or offender,
3 returnable forthwith before the court granting such probation
4 or community control. Any parole or probation supervisor, any
5 officer authorized to serve criminal process, or any peace
6 officer of this state is authorized to serve and execute such
7 warrant. The court, upon the probationer or offender being
8 brought before it, shall advise him of such charge of
9 violation and, if such charge is admitted to be true, may
10 forthwith revoke, modify, or continue the probation or
11 community control or place the probationer into a community
12 control program. If probation or community control is revoked,
13 the court shall adjudge the probationer or offender guilty of
14 the offense charged and proven or admitted, unless he has
15 previously been adjudged guilty, and impose any sentence which
16 it might have originally imposed before placing the
17 probationer on probation or the offender into community
18 control. If such violation of probation or community control
19 is not admitted by the probationer or offender, the court may
20 commit him or release him with or without bail to await
21 further hearing, or it may dismiss the charge of probation or
22 community control violation. If such charge is not at that
23 time admitted by the probationer or offender and if it is not
24 dismissed, the court, as soon as may be practicable, shall
25 give the probationer or offender an opportunity to be fully
26 heard on his behalf in person or by counsel. After such
27 hearing, the court may revoke, modify, or continue the
28 probation or community control or place the probationer into
29 community control. If such probation or community control is
30 revoked, the court shall adjudge the probationer or offender
31 guilty of the offense charged and proven or admitted, unless

1 he has previously been adjudged guilty, and impose any
2 sentence which it might have originally imposed before placing
3 the probationer or offender on probation or into community
4 control.

5 Section 2. For the purpose of incorporating the
6 amendment to section 948.06, Florida Statutes, in references
7 thereto, the sections or subdivisions of Florida Statutes set
8 forth below are reenacted to read:

9 948.01 When court may place defendant on probation or
10 into community control.--

11 (9) Procedures governing violations of community
12 control shall be the same as those described in s. 948.06 with
13 respect to probation.

14 (13) If it appears to the court upon a hearing that
15 the defendant is a chronic substance abuser whose criminal
16 conduct is a violation of chapter 893, the court may either
17 adjudge the defendant guilty or stay and withhold the
18 adjudication of guilt; and, in either case, it may stay and
19 withhold the imposition of sentence and place the defendant on
20 drug offender probation.

21 (b) Offenders placed on drug offender probation are
22 subject to revocation of probation as provided in s. 948.06.

23 958.14 Violation of probation or community control
24 program.--A violation or alleged violation of probation or the
25 terms of a community control program shall subject the
26 youthful offender to the provisions of s. 948.06(1). However,
27 no youthful offender shall be committed to the custody of the
28 department for a substantive violation for a period longer
29 than the maximum sentence for the offense for which he was
30 found guilty, with credit for time served while incarcerated,
31 or for a technical or nonsubstantive violation for a period

1 longer than 6 years or for a period longer than the maximum
2 sentence for the offense for which he was found guilty,
3 whichever is less, with credit for time served while
4 incarcerated.

5 Section 3. This act shall take effect upon becoming a
6 law.

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9 HOUSE SUMMARY

10 Permits a law enforcement officer to arrest a probationer
11 or offender in community control upon probable cause that
12 the probationer or offender has materially violated
13 probation or community control, under specified
14 circumstances when the officer knows of the probationary
15 or community control status.
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