

Bill No. CS for CS for SB 134

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Campbell moved the following amendment:

Senate Amendment (with title amendment)

On page 8, lines 4-12, delete those lines

and insert: release.--Notwithstanding s. 907.041 and s.
903.047, a court may, on its own motion, revoke pretrial
release, whether such release is by surety bail bond,
recognizance bond, or some other form or pretrial release, and
order pretrial detention if the court finds clear and
convincing evidence to believe that the defendant violated a
condition of s. 903.047(1)(a) or (b), a court-ordered
condition of bond, or other condition of pretrial release.

(1) The court may revoke the pretrial release of the
defendant and order pretrial detention of the defendant after
a hearing in which the court finds that the defendant violated
any condition of his or her pretrial release, whether such
release is by surety bond, recognizance bond, or some other
form of pretrial release. The hearing on the pretrial-release
revocation must be held within 5 days after a motion by the
state attorney to revoke pretrial release. The defendant may

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1 request a continuance. A continuance may not be granted for
2 longer than 5 days unless there are extenuating circumstances.
3 The defendant may be detained pending the hearing. The state
4 attorney is entitled to one continuance for good cause if the
5 defendant is detained pending the hearing.

6 (2) The defendant is entitled to be represented by
7 counsel, to present witnesses and evidence, and to
8 cross-examine witnesses at the hearing for revocation of
9 pretrial release. The court may admit relevant evidence
10 without complying with the rules of evidence, but evidence
11 secured in violation of the United States Constitution or the
12 State Constitution is not admissible. Testimony by the
13 defendant is not admissible to prove guilt at any other
14 judicial proceeding, but such testimony may be admitted in an
15 action for perjury, based upon the defendant's statements made
16 at the pretrial-detention hearing, or for purposes of
17 impeachment.

18 (3) The order of revocation of pretrial release which
19 requires pretrial detention may be made in writing or orally
20 on the record. The court must render its findings within 24
21 hours after the hearing for revocation of pretrial release and
22 pretrial detention.

23 (4) A defendant convicted at trial following the
24 issuance of an order revoking pretrial release and ordering
25 pretrial detention shall have the time he or she was held in
26 detention under the order credited to his sentence, if
27 imprisonment is imposed under s. 921.161.

28 (5) The defendant is entitled to dissolution of the
29 pretrial-detention order whenever the court finds that a
30 subsequent event has eliminated the basis for detention.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, lines 10-13, delete those lines

4

5 and insert:

6 903.0471, F.S.; authorizing a court to revoke a
7 defendant's pretrial release and order pretrial
8 detention if the court finds that the defendant
9 violated any condition of pretrial release;
10 providing conditions and procedures; repealing
11 Rules 3.131 and 3.132,

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