

By the Committees on Governmental Rules & Regulations,
Corrections and Representative Trovillion

1 A bill to be entitled
2 An act relating to postrelease supervision of
3 offenders; creating the "Supervision of Violent
4 Offenders Act of 2000"; amending s. 947.01,
5 F.S.; increasing the number of Parole
6 Commission commissioners; amending s. 947.07,
7 F.S.; clarifying the commission's authority to
8 adopt rules; amending s. 947.1405, F.S.;
9 revising a short title; revising criteria for
10 eligibility for conditional release; providing
11 that an inmate who has committed any of
12 specified crimes shall be subject to
13 conditional release supervision; specifying
14 that certain inmates are to be released under
15 "conditional release" supervision; revising
16 terms and conditions of conditional release
17 supervision applicable to certain inmates
18 convicted of specified offenses or sentenced as
19 a habitual or violent felony offender or a
20 violent career criminal; providing for
21 applicability of such supervision to all
22 sentences under specified circumstances when an
23 inmate's overall term of sentences includes one
24 or more sentences on which the eligibility for
25 control release supervision is based; requiring
26 supervision by the Department of Corrections
27 under certain circumstances; providing for
28 revocation of the conditional release
29 supervision under certain circumstances;
30 providing for forfeiture of all gain-time under
31 specified circumstances; authorizing the

1 commission to revoke the resulting deferred
2 conditional release supervision and take other
3 appropriate action; providing for the
4 supervision to revert to the authority of the
5 commission and be subject to the conditions of
6 the commission under certain circumstances;
7 providing for applicability of various changes
8 made by the act to certain inmates convicted of
9 certain crimes; providing for applicability of
10 certain provisions relating to the authority of
11 the commission to establish terms and
12 conditions of such release and to determine
13 whether a violation has occurred or revocation
14 is warranted; providing for applicability of a
15 requirement that certain offenders submit to
16 random substance abuse testing throughout the
17 term of such conditional release supervision;
18 eliminating the requirement for a personal
19 interview with inmates for purpose of
20 establishing the terms and conditions of
21 conditional release and clarifying the
22 commission's authority for electronic
23 monitoring; authorizing the commission to adopt
24 rules; amending s. 775.21, F.S.; conforming a
25 cross reference; reenacting certain provisions
26 for purposes of incorporating amendments to s.
27 947.1405, F.S.; providing an effective date.

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29 WHEREAS, the current sentencing guidelines are no
30 longer based on the four category levels of severity which
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1 served as the criteria for conditional release eligibility,
2 and

3 WHEREAS, inmates who commit serious violent offenses
4 should be required to serve a period of time under strict
5 conditions of supervision when released from custody as a
6 result of accumulated gain-time, and

7 WHEREAS, the serious violent crimes which require a
8 period of strict supervision should be specified in statute
9 and include any attempt, solicitation, or conspiracy to commit
10 these serious violent crimes, and

11 WHEREAS, a conviction for one of the specified serious
12 violent crimes is sufficient in itself, without the necessity
13 of a prior felony commitment, to require imposition of a
14 period of strict conditional release supervision, and

15 WHEREAS, any violation of these strict conditions of
16 release which results in revocation of supervision should
17 result in the forfeiture of all accumulated gain-time, and

18 WHEREAS, when an inmate also has been subject to
19 conditions of probation or community control following release
20 from incarceration, and the inmate has violated these
21 conditions with the result that the probation or community
22 control is revoked in a proceeding before a judge, the Florida
23 Parole Commission should not be required to conduct a second
24 administrative proceeding to revoke any concurrent or
25 consecutive term of conditional release supervision, and

26 WHEREAS, such a second administrative proceeding is not
27 constitutionally required and is an unjustified and
28 inefficient use of limited state resources, NOW, THEREFORE,

29
30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. This act may be cited as the "Supervision
2 of Violent Offenders Act of 2000."

3 Section 2. Section 947.01, Florida Statutes, is
4 amended to read:

5 947.01 Parole Commission; creation; number of
6 members.--A Parole Commission is created to consist of six
7 members who are residents of the state. Effective July 1,
8 2000, the membership of the commission shall be four members.
9 ~~Effective July 1, 1996, the membership of the commission shall~~
10 ~~be three members.~~

11 Section 3. Section 947.07, Florida Statutes, is
12 amended to read:

13 947.07 Rules.--The commission has authority to adopt
14 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~for~~
15 its statutory authority ~~governance~~, including among other
16 things rules of practice and procedure and rules prescribing
17 qualifications to be possessed by its employees.

18 Section 4. Section 947.1405, Florida Statutes, is
19 amended to read:

20 947.1405 Conditional release program.--

21 (1) This section and s. 947.141 may be cited as the
22 "Supervision of Violent Offenders ~~Conditional Release Program~~
23 Act of 2000."

24 (2) Any inmate who:

25 (a) Is convicted of a crime committed on or after
26 October 1, 1988, and before January 1, 1994, and any inmate
27 who is convicted of a crime committed on or after January 1,
28 1994, and before July 1, 2000, which crime is or was contained
29 in category 1, category 2, category 3, or category 4 of Rule
30 3.701 and Rule 3.988, Florida Rules of Criminal Procedure
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1 (1993), and who has served at least one prior felony
2 commitment at a state or federal correctional institution;
3 (b) Is sentenced as a habitual or violent habitual
4 offender or a violent career criminal pursuant to s. 775.084
5 based upon an offense committed before July 1, 2000; or
6 (c) Is found to be a sexual predator under s. 775.21
7 or former s. 775.23, based upon an offense committed before
8 July 1, 2000,
9
10 shall, upon reaching the tentative release date or provisional
11 release date, whichever is earlier, as established by the
12 Department of Corrections, be released under conditional
13 release supervision subject to specified terms and conditions,
14 including payment of the cost of supervision pursuant to s.
15 948.09. Effective May 17, 1997, such supervision shall be
16 applicable to all sentences within the overall term of
17 sentences if an inmate's overall term of sentences includes
18 one or more sentences that are eligible for conditional
19 release supervision as provided herein. Effective July 1,
20 1994, and applicable for offenses committed on or after that
21 date, the commission may require, as a condition of
22 conditional release, that the releasee make payment of the
23 debt due and owing to a county or municipal detention facility
24 under s. 951.032 for medical care, treatment, hospitalization,
25 or transportation received by the releasee while in that
26 detention facility. The commission, in determining whether to
27 order such repayment and the amount of such repayment, shall
28 consider the amount of the debt, whether there was any fault
29 of the institution for the medical expenses incurred, the
30 financial resources of the releasee, the present and potential
31 future financial needs and earning ability of the releasee,

1 and dependents, and other appropriate factors. If any inmate
2 placed on conditional release supervision is also subject to
3 probation or community control, resulting from a probationary
4 or community control split sentence within the overall term of
5 sentences, the Department of Corrections shall supervise such
6 person according to the conditions imposed by the court and
7 the commission shall defer to such supervision. If the court
8 revokes probation or community control and resentences the
9 offender to a term of incarceration, such revocation also
10 constitutes a sufficient basis for the revocation of the
11 conditional release supervision on any nonprobationary or
12 noncommunity-control sentence without further hearing by the
13 commission. If any such supervision on any nonprobationary or
14 noncommunity-control sentence is revoked, such revocation may
15 result in a forfeiture of all gain-time and the commission may
16 revoke the resulting deferred conditional release supervision
17 or take other action the commission considers appropriate. If
18 the term of conditional release supervision exceeds that of
19 the probation or community control, upon expiration of the
20 probation or community control, authority for the supervision
21 shall revert to the commission and the supervision shall be
22 subject to the conditions of the commission.~~If an inmate has~~
23 ~~received a term of probation or community control supervision~~
24 ~~to be served after release from incarceration, the period of~~
25 ~~probation or community control must be substituted for the~~
26 ~~conditional release supervision. A panel of no fewer than two~~
27 ~~commissioners shall establish the terms and conditions of any~~
28 ~~such release. If the offense was a controlled substance~~
29 ~~violation, the conditions shall include a requirement that the~~
30 ~~offender submit to random substance abuse testing~~
31 ~~intermittently throughout the term of conditional release~~

1 ~~supervision, upon the direction of the correctional probation~~
2 ~~officer as defined in s. 943.10(3). The commission shall also~~
3 ~~determine whether the terms and conditions of such release~~
4 ~~have been violated and whether such violation warrants~~
5 ~~revocation of the conditional release.~~

6 (3) Any inmate who:

7 (a) Has been convicted of committing, or attempting,
8 soliciting, or conspiring to commit, any of the following
9 offenses which occur on or after July 1, 2000:

10 1. Any sexual battery or sexual activity pursuant to
11 chapter 794;

12 2. Lewd or lascivious offenses pursuant to s. 800.04;

13 3. Murder in the first, second, or third degree
14 pursuant to s. 782.04;

15 4. Manslaughter pursuant to s. 782.07;

16 5. DUI manslaughter pursuant to s. 316.193(3)(c)3.;

17 6. BUI manslaughter pursuant to s. 327.35(3)(c)3.;

18 7. Vehicular homicide pursuant to s. 782.071;

19 8. Vessel homicide pursuant to s. 782.072;

20 9. Kidnapping pursuant to s. 787.01;

21 10. Luring or enticing a child pursuant to s. 787.025;

22 11. Aggravated child abuse pursuant to s. 827.03;

23 12. False imprisonment pursuant to s. 787.02;

24 13. Selling or buying of a minor pursuant to s.
25 847.0145;

26 14. Stalking pursuant to s. 784.048;

27 15. Incest pursuant to s. 826.04;

28 16. Burglary of a dwelling, structure, or conveyance
29 pursuant to s. 810.02(2) and (3);

30 17. Any assault, aggravated assault, battery, or
31 aggravated battery pursuant to chapter 784;

1 18. Written threats to kill or do bodily injury
2 pursuant to s. 836.10;
3 19. Resisting officer with violence pursuant to s.
4 843.01;
5 20. Threats or extortion pursuant to s. 836.05;
6 21. Robbery pursuant to s. 812.13;
7 22. Arson pursuant to s. 806.01;
8 23. Carjacking pursuant to s. 812.133; or
9 24. Home-invasion robbery pursuant to s. 812.135;
10 (b) Is sentenced as a habitual or violent habitual
11 offender or a violent career criminal pursuant to s. 775.084
12 based on an offense committed on or after July 1, 2000; or
13 (c) Is found to be a sexual predator based on an
14 offense committed on or after July 1, 2000, under s. 775.21,
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16 upon reaching the tentative release date established by the
17 Department of Corrections, shall be released under conditional
18 release supervision subject to the terms and conditions
19 determined by the commission as provided in this subsection
20 and subsection (5). Such supervision shall be applicable to
21 all sentences within the overall term of sentences if an
22 inmate's overall term of sentences includes one or more
23 sentences that are eligible for conditional release
24 supervision as provided in this section. If any inmate placed
25 on conditional release supervision is also subject to
26 previously imposed felony probation or community control,
27 resulting from a probationary or community control split
28 sentence within the overall term of sentences, the Department
29 of Corrections shall supervise such person according to the
30 conditions imposed by the court and the commission shall defer
31 to such supervision. The commission is not required to defer

1 to probation or community control imposed subsequent to the
2 inmate being placed on conditional release supervision. If the
3 court revokes the previously imposed felony probation or
4 community control and resentences the offender to a term of
5 incarceration, such revocation also constitutes a sufficient
6 basis for the revocation of the conditional release
7 supervision on any nonprobationary or noncommunity-control
8 sentence without further hearing by the commission. If any
9 such supervision on any nonprobationary or
10 noncommunity-control sentence is revoked, such revocation may
11 result in a forfeiture of all gain-time and the commission may
12 revoke the resulting deferred conditional release supervision
13 or take other action the commission considers appropriate. If
14 the term of conditional release supervision exceeds that of
15 the probation or community control, upon expiration of the
16 probation or community control, authority for the supervision
17 shall revert to the commission and the supervision shall be
18 subject to the conditions of the commission.

19 (4) A panel of no fewer than two commissioners shall
20 establish the terms and conditions of any conditional release.
21 If the offense was a controlled substance violation, the
22 conditions shall include a requirement that the offender
23 submit to random substance abuse testing intermittently
24 throughout the term of conditional release supervision upon
25 the direction of the correctional probation officer as defined
26 in s. 943.10(3). The commission shall also determine whether
27 the terms and conditions of such release have been violated
28 and whether such violation warrants revocation of the
29 conditional release.

30 (5)~~(3)~~ As part of the conditional release process, the
31 commission shall determine:

- 1 (a) The amount of reparation or restitution.
- 2 (b) The consequences of the offense as reported by the
3 aggrieved party.
- 4 (c) The aggrieved party's fear of the inmate or
5 concerns about the release of the inmate.
- 6 ~~(6)(4)~~ The commission shall provide to the aggrieved
7 party information regarding the manner in which notice of any
8 developments concerning the status of the inmate during the
9 term of conditional release may be requested.
- 10 ~~(7)(5)~~ Within 180 days prior to the tentative release
11 date or provisional release date, whichever is earlier, ~~a~~
12 ~~representative of the commission shall~~ conduct a review of
13 the inmate's record, which shall include a review of the
14 inmate's release plan, for the purpose of establishing the
15 terms and conditions of the conditional release. In addition
16 to a review of the inmate's record, the commission may review
17 such other information and input as the commission deems
18 necessary. The commission may impose any special condition
19 the commission considers warranted from the commission's
20 review, which may include electronic monitoring. If the
21 commission determines that the inmate is eligible for release
22 under this section, the commission shall enter an order
23 establishing the length of supervision and the conditions
24 attendant to such release. However, an inmate who has been
25 convicted of a violation of chapter 794 or found by the court
26 to be a sexual predator is subject to the maximum level of
27 supervision provided, with the mandatory conditions required
28 under subsection (9), and such supervision shall continue
29 through the end of the releasee's original court-imposed
30 sentence. The length of supervision must not exceed the
31 maximum penalty imposed by the court ~~interview the inmate.~~

1 ~~The commission representative shall review the inmate's~~
2 ~~program participation, disciplinary record, psychological and~~
3 ~~medical records, and any other information pertinent to the~~
4 ~~impending release. A commission representative shall conduct~~
5 ~~a personal interview with the inmate for the purpose of~~
6 ~~determining the details of the inmate's release plan,~~
7 ~~including the inmate's planned residence and employment. The~~
8 ~~results of the interview must be forwarded to the commission~~
9 ~~in writing.~~

10 (8)~~(6)~~ Upon receipt of notice as required under s.
11 947.175, the commission shall conduct a review of the inmate's
12 record for the purpose of establishing the terms and
13 conditions of the conditional release. The commission may
14 impose any special conditions it considers warranted from its
15 review of the record. If the commission determines that the
16 inmate is eligible for release under this section, the
17 commission shall enter an order establishing the length of
18 supervision and the conditions attendant thereto. However, an
19 inmate who has been convicted of a violation of chapter 794 or
20 found by the court to be a sexual predator is subject to the
21 maximum level of supervision provided, with the mandatory
22 conditions as required in subsection(9)~~(7)~~, and that
23 supervision shall continue through the end of the releasee's
24 original court-imposed sentence. The length of supervision
25 must not exceed the maximum penalty imposed by the court.

26 (9)~~(7)~~(a) Any inmate who is convicted of a crime
27 committed on or after October 1, 1995, or who has been
28 previously convicted of a crime committed on or after October
29 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,
30 or s. 847.0145, and is subject to conditional release
31 supervision, shall have, in addition to any other conditions

1 imposed, the following special conditions imposed by the
2 commission:

3 1. A mandatory curfew from 10 p.m. to 6 a.m. The court
4 may designate another 8-hour period if the offender's
5 employment precludes the above specified time, and such
6 alternative is recommended by the Department of Corrections.
7 If the court determines that imposing a curfew would endanger
8 the victim, the court may consider alternative sanctions.

9 2. If the victim was under the age of 18, a
10 prohibition on living within 1,000 feet of a school, day care
11 center, park, playground, or other place where children
12 regularly congregate.

13 3. Active participation in and successful completion
14 of a sex offender treatment program with therapists
15 specifically trained to treat sex offenders, at the releasee's
16 own expense. If a specially trained therapist is not available
17 within a 50-mile radius of the releasee's residence, the
18 offender shall participate in other appropriate therapy.

19 4. A prohibition on any contact with the victim,
20 directly or indirectly, including through a third person,
21 unless approved by the victim, the offender's therapist, and
22 the sentencing court.

23 5. If the victim was under the age of 18, a
24 prohibition, until successful completion of a sex offender
25 treatment program, on unsupervised contact with a child under
26 the age of 18, unless authorized by the commission without
27 another adult present who is responsible for the child's
28 welfare, has been advised of the crime, and is approved by the
29 commission.

30 6. If the victim was under age 18, a prohibition on
31 working for pay or as a volunteer at any school, day care

1 center, park, playground, or other place where children
2 regularly congregate, as prescribed by the commission.

3 7. Unless otherwise indicated in the treatment plan
4 provided by the sexual offender treatment program, a
5 prohibition on viewing, owning, or possessing any obscene,
6 pornographic, or sexually stimulating visual or auditory
7 material, including telephone, electronic media, computer
8 programs, or computer services that are relevant to the
9 offender's deviant behavior pattern.

10 8. A requirement that the releasee must submit two
11 specimens of blood to the Florida Department of Law
12 Enforcement to be registered with the DNA database.

13 9. A requirement that the releasee make restitution to
14 the victim, as determined by the sentencing court or the
15 commission, for all necessary medical and related professional
16 services relating to physical, psychiatric, and psychological
17 care.

18 10. Submission to a warrantless search by the
19 community control or probation officer of the probationer's or
20 community controllee's person, residence, or vehicle.

21 (b) For a releasee whose crime was committed on or
22 after October 1, 1997, in violation of chapter 794, s. 800.04,
23 s. 827.071, or s. 847.0145, and who is subject to conditional
24 release supervision, in addition to any other provision of
25 this subsection, the commission shall impose the following
26 additional conditions of conditional release supervision:

27 1. As part of a treatment program, participation in a
28 minimum of one annual polygraph examination to obtain
29 information necessary for risk management and treatment and to
30 reduce the sex offender's denial mechanisms. The polygraph
31 examination must be conducted by a polygrapher trained

1 specifically in the use of the polygraph for the monitoring of
2 sex offenders, where available, and at the expense of the sex
3 offender. The results of the polygraph examination shall not
4 be used as evidence in a hearing to prove that a violation of
5 supervision has occurred.

6 2. Maintenance of a driving log and a prohibition
7 against driving a motor vehicle alone without the prior
8 approval of the supervising officer.

9 3. A prohibition against obtaining or using a post
10 office box without the prior approval of the supervising
11 officer.

12 4. If there was sexual contact, a submission to, at
13 the probationer's or community controllee's expense, an HIV
14 test with the results to be released to the victim or the
15 victim's parent or guardian.

16 5. Electronic monitoring when deemed necessary by the
17 community control or probation officer and his or her
18 supervisor, and ordered by the court at the recommendation of
19 the Department of Corrections.

20 (10)~~(8)~~ It is the finding of the Legislature that the
21 population of offenders released from state prison into the
22 community who meet the conditional release criteria poses the
23 greatest threat to the public safety of the groups of
24 offenders under community supervision. Therefore, the
25 Department of Corrections is to provide intensive supervision
26 by experienced correctional probation officers to conditional
27 release offenders. Subject to specific appropriation by the
28 Legislature, caseloads may be restricted to a maximum of 40
29 conditional release offenders per officer to provide for
30 enhanced public safety and to effectively monitor conditions

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1 of electronic monitoring or curfews, if so ordered by the
2 commission.

3 (11) The commission shall adopt rules pursuant to ss.
4 120.536(1) and 120.54 necessary to implement this section.

5 Section 5. Paragraph (b) of subsection (3) of section
6 775.21, Florida Statutes, is amended to read:

7 775.21 The Florida Sexual Predators Act; definitions;
8 legislative findings, purpose, and intent; criteria;
9 designation; registration; community and public notification;
10 immunity; penalties.--

11 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
12 INTENT.--

13 (b) The high level of threat that a sexual predator
14 presents to the public safety, and the long-term effects
15 suffered by victims of sex offenses, provide the state with
16 sufficient justification to implement a strategy that
17 includes:

18 1. Incarcerating sexual predators and maintaining
19 adequate facilities to ensure that decisions to release sexual
20 predators into the community are not made on the basis of
21 inadequate space.

22 2. Providing for specialized supervision of sexual
23 predators who are in the community by specially trained
24 probation officers with low caseloads, as described in ss.
25 947.1405(9)~~(7)~~ and 948.03(5). The sexual predator is subject
26 to specified terms and conditions implemented at sentencing or
27 at the time of release from incarceration, with a requirement
28 that those who are financially able must pay all or part of
29 the costs of supervision.

30 3. Requiring the registration of sexual predators,
31 with a requirement that complete and accurate information be

1 maintained and accessible for use by law enforcement
2 authorities, communities, and the public.

3 4. Providing for community and public notification
4 concerning the presence of sexual predators.

5 5. Prohibiting sexual predators from working with
6 children, either for compensation or as a volunteer.

7 Section 6. For the purpose of incorporating the
8 amendment to section 947.1405, Florida Statutes, in references
9 thereto, the following sections or subdivisions of Florida
10 Statutes, are reenacted to read:

11 775.084 Violent career criminals; habitual felony
12 offenders and habitual violent felony offenders; three-time
13 violent felony offenders; definitions; procedure; enhanced
14 penalties or mandatory minimum prison terms.--

15 (4)

16 (j) The provisions of s. 947.1405 shall apply to
17 persons sentenced as habitual felony offenders and persons
18 sentenced as habitual violent felony offenders.

19 921.001 Sentencing Commission and sentencing
20 guidelines generally.--

21 (10)(a) A person who is convicted of a crime committed
22 on or after October 1, 1983, but before January 1, 1994, may
23 be released from incarceration only:

24 1. Upon expiration of the person's sentence;

25 2. Upon expiration of the person's sentence as reduced
26 by accumulated gain-time;

27 3. As directed by an executive order granting
28 clemency;

29 4. Upon attaining the provisional release date;

30 5. Upon placement in a conditional release program
31 pursuant to s. 947.1405; or

- 1 6. Upon the granting of control release pursuant to s.
2 947.146.
- 3 (b) A person who is convicted of a crime committed on
4 or after January 1, 1994, may be released from incarceration
5 only:
- 6 1. Upon expiration of the person's sentence;
7 2. Upon expiration of the person's sentence as reduced
8 by accumulated meritorious or incentive gain-time;
9 3. As directed by an executive order granting
10 clemency;
11 4. Upon placement in a conditional release program
12 pursuant to s. 947.1405 or a conditional medical release
13 program pursuant to s. 947.149; or
14 5. Upon the granting of control release, including
15 emergency control release, pursuant to s. 947.146.
- 16 944.70 Conditions for release from incarceration.--
17 (1)(a) A person who is convicted of a crime committed
18 on or after October 1, 1983, but before January 1, 1994, may
19 be released from incarceration only:
- 20 1. Upon expiration of the person's sentence;
21 2. Upon expiration of the person's sentence as reduced
22 by accumulated gain-time;
23 3. As directed by an executive order granting
24 clemency;
25 4. Upon attaining the provisional release date;
26 5. Upon placement in a conditional release program
27 pursuant to s. 947.1405; or
28 6. Upon the granting of control release pursuant to s.
29 947.146.
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1 (b) A person who is convicted of a crime committed on
2 or after January 1, 1994, may be released from incarceration
3 only:

- 4 1. Upon expiration of the person's sentence;
- 5 2. Upon expiration of the person's sentence as reduced
6 by accumulated meritorious or incentive gain-time;
- 7 3. As directed by an executive order granting
8 clemency;
- 9 4. Upon placement in a conditional release program
10 pursuant to s. 947.1405 or a conditional medical release
11 program pursuant to s. 947.149; or
- 12 5. Upon the granting of control release, including
13 emergency control release, pursuant to s. 947.146.

14 947.13 Powers and duties of commission.--

15 (1) The commission shall have the powers and perform
16 the duties of:

17 (f) Establishing the terms and conditions of persons
18 released on conditional release under s. 947.1405, and
19 determining subsequent ineligibility for conditional release
20 due to a violation of the terms or conditions of conditional
21 release and taking action with respect to such a violation.

22 947.141 Violations of conditional release, control
23 release, or conditional medical release.--

24 (1) If a member of the commission or a duly authorized
25 representative of the commission has reasonable grounds to
26 believe that an offender who is on release supervision under
27 s. 947.1405, s. 947.146, or s. 947.149 has violated the terms
28 and conditions of the release in a material respect, such
29 member or representative may cause a warrant to be issued for
30 the arrest of the releasee; if the offender was found to be a
31 sexual predator, the warrant must be issued.

1 (2) Upon the arrest on a felony charge of an offender
2 who is on release supervision under s. 947.1405, s. 947.146,
3 or s. 947.149, the offender must be detained without bond
4 until the initial appearance of the offender at which a
5 judicial determination of probable cause is made. If the
6 magistrate determines that there was no probable cause for the
7 arrest, the offender may be released. If the magistrate
8 determines that there was probable cause for the arrest, such
9 determination also constitutes reasonable grounds to believe
10 that the offender violated the conditions of the release.
11 Within 24 hours after the magistrate's finding of probable
12 cause, the detention facility administrator or designee shall
13 notify the commission and the department of the finding and
14 transmit to each a facsimile copy of the probable cause
15 affidavit or the sworn offense report upon which the
16 magistrate's probable cause determination is based. The
17 offender must continue to be detained without bond for a
18 period not exceeding 72 hours excluding weekends and holidays
19 after the date of the probable cause determination, pending a
20 decision by the commission whether to issue a warrant charging
21 the offender with violation of the conditions of release. Upon
22 the issuance of the commission's warrant, the offender must
23 continue to be held in custody pending a revocation hearing
24 held in accordance with this section.

25 Section 7. This act shall take effect July 1, 2000.
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