

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Judicial Oversight offered the following:

Amendment (with title amendment)

On page 2, line 8, through page 3, line 15
remove from the bill: all of said lines

and insert in lieu thereof:

execute such warrant. Upon the filing of an affidavit alleging a violation of probation or community control and following issuance of a warrant under s. 901.02, the probationary period is tolled until the court enters a ruling on the violation. Notwithstanding the tolling of probation as provided in this subsection, the court shall retain jurisdiction over the offender for any violation of the conditions of probation or community control that is alleged to have occurred during the tolling period. The probation officer is permitted to continue to supervise any offender who remains available to the officer for supervision until the supervision expires pursuant to the order of probation or community control or until the court revokes or terminates the probation or community control, whichever comes first. The court, upon the probationer or

Amendment No. 01 (for drafter's use only)

1 offender being brought before it, shall advise him or her of
2 such charge of violation and, if such charge is admitted to be
3 true, may forthwith revoke, modify, or continue the probation
4 or community control or place the probationer into a community
5 control program. If probation or community control is revoked,
6 the court shall adjudge the probationer or offender guilty of
7 the offense charged and proven or admitted, unless he or she
8 has previously been adjudged guilty, and impose any sentence
9 which it might have originally imposed before placing the
10 probationer on probation or the offender into community
11 control. If such violation of probation or community control
12 is not admitted by the probationer or offender, the court may
13 commit him or her or release him or her with or without bail
14 to await further hearing, or it may dismiss the charge of
15 probation or community control violation. If such charge is
16 not at that time admitted by the probationer or offender and
17 if it is not dismissed, the court, as soon as may be
18 practicable, shall give the probationer or offender an
19 opportunity to be fully heard on his or her behalf in person
20 or by counsel. After such hearing, the court may revoke,
21 modify, or continue the probation or community control or
22 place the probationer into community control. If such
23 probation or community control is revoked, the court shall
24 adjudge the probationer or offender guilty of the offense
25 charged and proven or admitted, unless he or she has
26 previously been adjudged guilty, and impose any sentence which
27 it might have originally imposed before placing the
28 probationer or offender on probation or into community
29 control. Notwithstanding s. 775.082, when a period of
30 probation or community control has been tolled, upon
31 revocation or modification of the probation or community

Amendment No. 01 (for drafter's use only)

1 control, the court may impose a sanction with a term that,
 2 when combined with the amount of supervision served and
 3 tolled, exceeds the term permissible pursuant to s. 775.082
 4 for a term up to the amount of the tolled period of
 5 supervision. If the court dismisses an affidavit alleging a
 6 violation of probation or community control, the offender's
 7 probation or community control shall continue as previously
 8 imposed, and the offender shall receive credit for all tolled
 9 time against his or her term of probation or community
 10 control.

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

14 And the title is amended as follows:

15 On page 1, lines 4-12
 16 remove from the title of the bill: all of said lines
 17
 18 and insert in lieu thereof:

19 providing for tolling the period of probation
 20 or community control for an offender following
 21 the filing of an affidavit alleging a violation
 22 of probation or community control and issuance
 23 of a warrant; providing for continuation of
 24 supervision; providing for a previously imposed
 25 period of probation or community control to be
 26 reinstated following dismissal of the
 27 affidavit; providing an effective date.

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