

By Senator Campbell

33-730-01

1 A bill to be entitled
2 An act relating to violations of probation or
3 community control; amending s. 948.06, F.S.;
4 providing for tolling the period of probation
5 or community control for an offender following
6 the filing of an affidavit alleging a violation
7 of probation or community control and issuance
8 of a warrant; providing for a previously
9 imposed period of probation or community
10 control to be reinstated following dismissal of
11 the affidavit; 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 or her probation or community control in a material
24 respect, any law enforcement officer who is aware of the
25 probationary or community control status of the probationer or
26 offender in community control or any parole or probation
27 supervisor may arrest or request any county or municipal law
28 enforcement officer to arrest such probationer or offender
29 without warrant wherever found and forthwith return him or her
30 to the court granting such probation or community control. Any
31 committing magistrate may issue a warrant, upon the facts

1 being made known to him or her by affidavit of one having
2 knowledge of such facts, for the arrest of the probationer or
3 offender, returnable forthwith before the court granting such
4 probation or community control. Any parole or probation
5 supervisor, any officer authorized to serve criminal process,
6 or any peace officer of this state is authorized to serve and
7 execute such warrant. Upon the filing of an affidavit alleging
8 a violation of probation or community control and following
9 issuance of a warrant under s. 901.02, the probationary period
10 is tolled until the court enters a ruling on the violation.
11 The court, upon the probationer or offender being brought
12 before it, shall advise him or her of such charge of violation
13 and, if such charge is admitted to be true, may forthwith
14 revoke, modify, or continue the probation or community control
15 or place the probationer into a community control program. If
16 probation or community control is revoked, the court shall
17 adjudge the probationer or offender guilty of the offense
18 charged and proven or admitted, unless he or she has
19 previously been adjudged guilty, and impose any sentence which
20 it might have originally imposed before placing the
21 probationer on probation or the offender into community
22 control. If such violation of probation or community control
23 is not admitted by the probationer or offender, the court may
24 commit him or her or release him or her with or without bail
25 to await further hearing, or it may dismiss the charge of
26 probation or community control violation. If such charge is
27 not at that time admitted by the probationer or offender and
28 if it is not dismissed, the court, as soon as may be
29 practicable, shall give the probationer or offender an
30 opportunity to be fully heard on his or her behalf in person
31 or by counsel. After such hearing, the court may revoke,

1 modify, or continue the probation or community control or
2 place the probationer into community control. If such
3 probation or community control is revoked, the court shall
4 adjudge the probationer or offender guilty of the offense
5 charged and proven or admitted, unless he or she has
6 previously been adjudged guilty, and impose any sentence which
7 it might have originally imposed before placing the
8 probationer or offender on probation or into community
9 control. If the court dismisses an affidavit alleging a
10 violation of probation or community control, the offender's
11 probation or community control shall continue as previously
12 imposed, notwithstanding any period the probation or community
13 control was tolled.

14 Section 2. This act shall take effect July 1, 2001.

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17 SENATE SUMMARY

18 Provides that if an affidavit is filed alleging an
19 offender has violated his or her probation or community
20 control, the probationary period is tolled until the
21 court rules on the alleged violation. Provides for the
22 probationary period to continue as previously imposed if
23 the court dismisses the affidavit.
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