

By the Committee on Criminal Justice and Senator Campbell

307-1557-01

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.

12

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

14

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 Notwithstanding the tolling of probation as provided in this
12 subsection, the court shall retain jurisdiction over the
13 offender for any violation of the conditions of probation or
14 community control that is alleged to have occurred during the
15 tolling period. The court, upon the probationer or offender
16 being brought before it, shall advise him or her of such
17 charge of violation and, if such charge is admitted to be
18 true, may forthwith revoke, modify, or continue the probation
19 or community control or place the probationer into a community
20 control program. If probation or community control is revoked,
21 the court shall adjudge the probationer or offender guilty of
22 the offense charged and proven or admitted, unless he or she
23 has previously been adjudged guilty, and impose any sentence
24 which it might have originally imposed before placing the
25 probationer on probation or the offender into community
26 control. If such violation of probation or community control
27 is not admitted by the probationer or offender, the court may
28 commit him or her or release him or her with or without bail
29 to await further hearing, or it may dismiss the charge of
30 probation or community control violation. If such charge is
31 not at that time admitted by the probationer or offender and

1 if it is not dismissed, the court, as soon as may be
2 practicable, shall give the probationer or offender an
3 opportunity to be fully heard on his or her behalf in person
4 or by counsel. After such hearing, the court may revoke,
5 modify, or continue the probation or community control or
6 place the probationer into community control. If such
7 probation or community control is revoked, the court shall
8 adjudge the probationer or offender guilty of the offense
9 charged and proven or admitted, unless he or she has
10 previously been adjudged guilty, and impose any sentence which
11 it might have originally imposed before placing the
12 probationer or offender on probation or into community
13 control. If the court dismisses an affidavit alleging a
14 violation of probation or community control, the offender's
15 probation or community control shall continue as previously
16 imposed, and the offender shall receive credit for all tolled
17 time against his or her term of probation or community
18 control.

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

20

21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bill 888

24

25 The CS specifies that while the term of supervision is tolled
26 by an affidavit and warrant, the offender shall remain under
27 the jurisdiction of the court.

28

29

30

31