

Bill No. CS for CS for SB 1020

Amendment No. ____ Barcode 231298

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

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13 **Senate Amendment (with title amendment)**

14 On page 100, line 6, through

15 page 102, line 7, delete those lines

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17 and insert:

18 Section 110. Subsection (3) and paragraphs (a) and (b)

19 of subsection (4) of section 907.041, Florida Statutes, are

20 amended, and subsection (5) is added to that section, to read:

21 907.041 Pretrial detention and release.--

22 (3) RELEASE ON NONMONETARY CONDITIONS.--

23 (a) It is the intent of the Legislature to create a

24 presumption in favor of release on nonmonetary conditions for

25 any person who is granted pretrial release unless such person

26 is charged with a dangerous crime as defined in subsection

27 (4). Such person shall be released on monetary conditions if

28 it is determined that such monetary conditions are necessary

29 to assure the presence of the person at trial or at other

30 proceedings, to protect the community from risk of physical

31 harm to persons, to assure the presence of the accused at

Bill No. CS for CS for SB 1020

Amendment No. ____ Barcode 231298

1 trial, or to assure the integrity of the judicial process.

2 (b) ~~A No person may not be accepted for release shall~~
3 ~~be released~~ on nonmonetary conditions under the supervision of
4 a pretrial release service, unless the service certifies by a
5 signed affidavit and identifies in the affidavit to the court
6 that it has investigated or otherwise verified:

7 1. The circumstances of the accused's family,
8 employment, financial resources, character, mental condition,
9 and length of residence in the community;

10 2. The accused's record of convictions, of appearances
11 at court proceedings, of flight to avoid prosecution, or of
12 failure to appear at court proceedings; and

13 3. Other facts necessary to assist the court in its
14 determination of the indigency of the accused and whether she
15 or he should be released under the supervision of the service.

16 (4) PRETRIAL DETENTION.--

17 (a) As used in this subsection, the term "dangerous
18 crime" means any of the following:

- 19 1. Arson;
- 20 2. Aggravated assault;
- 21 3. Aggravated battery;
- 22 4. Illegal use of explosives;
- 23 5. Child abuse or aggravated child abuse;
- 24 6. Abuse of an elderly person or disabled adult, or
25 aggravated abuse of an elderly person or disabled adult;
- 26 7. Aircraft piracy;
- 27 8. Kidnapping;
- 28 9. Homicide;
- 29 10. Manslaughter;
- 30 11. Sexual battery;
- 31 12. Robbery;

Bill No. CS for CS for SB 1020

Amendment No. Barcode 231298

- 1 13. Carjacking;
- 2 14. Lewd, lascivious, or indecent assault or act upon
- 3 or in presence of a child under the age of 16 years;
- 4 15. Sexual activity with a child, who is 12 years of
- 5 age or older but less than 18 years of age, by or at
- 6 solicitation of person in familial or custodial authority;
- 7 16. Burglary of a dwelling;
- 8 17. Stalking and aggravated stalking;
- 9 18. Act of domestic violence as defined in s. 741.28;
- 10 19. Home invasion robbery;
- 11 20. Act of terrorism as defined in s. 775.30; and
- 12 21. Attempting or conspiring to commit any such crime.

13 (b) Pursuant to the provisions of paragraph (3)(b) No
14 ~~person charged with a dangerous crime shall be granted~~
15 ~~nonmonetary pretrial release at a first appearance hearing;~~
16 ~~however,~~ the court shall retain the discretion to release a
17 person ~~an~~ accused of a dangerous crime on electronic
18 monitoring or on recognizance bond if the findings on the
19 record of facts and circumstances warrant such a release.

20 (5) PRETRIAL RELEASE ANNUAL REPORTS.--

21 (a) As used in this subsection, the term:

22 1. "Pretrial release service" means any
23 government-funded program that makes recommendations to any
24 court regarding the pretrial release of any defendant from
25 custody.

26 2. "Annual report" means a report prepared by a
27 pretrial service which accurately and objectively reports the
28 performance of the service using taxpayer moneys.

29 (b) The pretrial release service in each county of the
30 state shall monthly compile data on the cases and defendants
31 who are processed for release by the agency. Data must be

Bill No. CS for CS for SB 1020

Amendment No. Barcode 231298

1 maintained on a monthly basis and must display accurate,
2 objective information for each defendant, including, but not
3 limited to:
4 1. The charges against the defendant;
5 2. The nature of any prior arrest of each defendant;
6 3. The court appearances required for each defendant;
7 4. Each court appearance at which the defendant failed
8 to appear;
9 5. Each capias issued, as well as each time a capias
10 was not issued when the defendant failed to appear; and
11 6. The recommendation of the pretrial release service
12 pertaining to each defendant.
13 (c) By December 1 of each year, each pretrial release
14 service must submit an annual report to the chairman of the
15 appropriate board of county commissioners, the Executive
16 Office of the Governor, the Speaker of the House of
17 Representatives, and the President of the Senate. The annual
18 report must contain, but need not be limited to:
19 1. The operating budget of the pretrial release
20 service;
21 2. The number of personnel employed by the pretrial
22 release service;
23 3. The number of cases reviewed by the pretrial
24 release service;
25 4. The disposition of those cases;
26 5. The total number of cases, categorized by felony
27 and by misdemeanor, if the defendant was released under a
28 financial condition; and
29 6. The total number of cases, categorized by felony
30 and misdemeanor, if the defendant was released without
31 financial condition.

Bill No. CS for CS for SB 1020

Amendment No. ____ Barcode 231298

1 (d) The annual report shall be presented in a format
2 that is approved by the Executive Office of the Governor after
3 consultation with the Office of the State Courts
4 Administrator, the Florida Sheriffs' Association, and private
5 organizations representing the commercial bail industry.

6 (e) Additional public funds may not be expended for
7 preparing or producing this report.

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

11 And the title is amended as follows:

12 On page 3, line 3, after the semicolon,

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14 insert:

15 requiring a pretrial release service to compile
16 monthly data; requiring each pretrial release
17 service to submit an annual report;

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