

Bill No. CS for CS for SB 1020

Amendment No. \_\_\_\_ Barcode 920956

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following **substitute for amendment**  
(231298):

**Senate Amendment**

On page 100, line 6, through  
page 102, line 7, delete those lines

and insert:

Section 110. Subsection (3) and paragraphs (a) and (b)  
of subsection (4) of section 907.041, Florida Statutes, are  
amended to read:

907.041 Pretrial detention and release.--

(3) RELEASE ON NONMONETARY CONDITIONS.--

(a) It is the intent of the Legislature to create a  
presumption in favor of release on nonmonetary conditions for  
any person who is granted pretrial release unless such person  
is charged with a dangerous crime as defined in subsection  
(4). Such person shall be released on monetary conditions if  
it is determined that such monetary conditions are necessary  
to assure the presence of the person at trial or at other  
proceedings, to protect the community from risk of physical

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1 harm to persons, to assure the presence of the accused at  
2 trial, or to assure the integrity of the judicial process.

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

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

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

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

17 (4) PRETRIAL DETENTION.--

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

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

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- 1           12. Robbery;
- 2           13. Carjacking;
- 3           14. Lewd, lascivious, or indecent assault or act upon
- 4 or in presence of a child under the age of 16 years;
- 5           15. Sexual activity with a child, who is 12 years of
- 6 age or older but less than 18 years of age, by or at
- 7 solicitation of person in familial or custodial authority;
- 8           16. Burglary of a dwelling;
- 9           17. Stalking and aggravated stalking;
- 10          18. Act of domestic violence as defined in s. 741.28;
- 11          19. Home invasion robbery;
- 12          20. Act of terrorism as defined in s. 775.30; and
- 13          21. Attempting or conspiring to commit any such crime.
- 14          (b) Pursuant to the provisions of paragraph (3)(b) No
- 15 ~~person charged with a dangerous crime shall be granted~~
- 16 ~~nonmonetary pretrial release at a first appearance hearing;~~
- 17 ~~however,~~ the court shall retain the discretion to release a
- 18 person ~~an~~ accused of a dangerous crime on electronic
- 19 monitoring or on recognizance bond if the findings on the
- 20 record of facts and circumstances warrant such a release.
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