

By Senator Campbell

32-671-03

1 A bill to be entitled
2 An act relating to pretrial release; amending
3 s. 907.041, F.S.; requiring a pretrial release
4 service to certify to the court in writing that
5 it has conducted certain investigations and
6 verified specified conditions before an accused
7 is released on nonmonetary conditions; revising
8 requirements for the pretrial release of a
9 person charged with a dangerous crime; deleting
10 provisions authorizing the court to release
11 such a person on electronic monitoring or
12 recognizance bond under certain circumstances;
13 providing an effective date.

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

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17 Section 1. Subsection (3) and paragraphs (a) and (b)
18 of subsection (4) of section 907.041, Florida Statutes, are
19 amended to read:

20 907.041 Pretrial detention and release.--

21 (3) RELEASE ON NONMONETARY CONDITIONS.--

22 (a) It is the intent of the Legislature to create a
23 presumption in favor of release on nonmonetary conditions for
24 any person who is granted pretrial release unless such person
25 is charged with a dangerous crime as defined in subsection
26 (4). Such person shall be released on monetary conditions if
27 it is determined that such monetary conditions are necessary
28 to assure the presence of the person at trial or at other
29 proceedings, to protect the community from risk of physical
30 harm to persons, to assure the presence of the accused at
31 trial, or to assure the integrity of the judicial process.

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

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

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

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

15 (4) PRETRIAL DETENTION.--

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

18 1. Arson;

19 2. Aggravated assault;

20 3. Aggravated battery;

21 4. Illegal use of explosives;

22 5. Child abuse or aggravated child abuse;

23 6. Abuse of an elderly person or disabled adult, or
24 aggravated abuse of an elderly person or disabled adult;

25 7. Aircraft piracy;

26 8. Kidnapping;

27 9. Homicide;

28 10. Manslaughter;

29 11. Sexual battery;

30 12. Robbery;

31 13. Carjacking;

1 14. Lewd, lascivious, or indecent assault or act upon
2 or in presence of a child under the age of 16 years;

3 15. Sexual activity with a child, who is 12 years of
4 age or older but less than 18 years of age, by or at
5 solicitation of person in familial or custodial authority;

6 16. Burglary of a dwelling;

7 17. Stalking and aggravated stalking;

8 18. Act of domestic violence as defined in s. 741.28;

9 19. Home invasion robbery;

10 20. Act of terrorism as defined in s. 775.30; and

11 21. Attempting or conspiring to commit any such crime.

12 (b) A ~~No~~ person charged with a dangerous crime may not
13 ~~shall~~ be granted nonmonetary pretrial release at a first
14 appearance hearing to a pretrial release service unless the
15 requirements of paragraph (3)(b) have been satisfied, ~~however,~~
16 ~~the court shall retain the discretion to release an accused on~~
17 ~~electronic monitoring or on recognizance bond if the findings~~
18 ~~on the record of facts and circumstances warrant such a~~
19 ~~release.~~

20 Section 2. This act shall take effect July 1, 2003.

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23 SENATE SUMMARY

24 Prohibits the pretrial release of an offender on
25 nonmonetary conditions unless the pretrial release
26 service certifies to the court in writing that it has
27 conducted certain required investigations. Deletes
28 provisions authorizing the court to release a person on
29 electronic monitoring or recognizance bond if that person
30 has been charged with a dangerous crime.
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