

Bill No. CS for CS for SB 1216

Barcode 284008

CHAMBER ACTION

Senate

House

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Senators Argenziano and Smith moved the following amendment:

Senate Amendment (with title amendment)

On page 32, between lines 24 and 25,

insert:

Section 12. Subsection (4) of section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.--

(4) Notwithstanding any other provision of this section, a probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of such charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court which granted the probation or community control. If such violation is not admitted by the probationer or offender, the court may commit

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1 him or her or release him or her with or without bail to await
2 further hearing. However, if the probationer or offender is
3 under supervision for any criminal offense proscribed in
4 chapter 794, s. 800.04(4), s. 800.04(5), s. 800.04(6), s.
5 827.071, or s. 847.0145, or is a registered sexual predator or
6 a registered sexual offender, or is under supervision for a
7 criminal offense for which he or she would meet the
8 registration criteria in s. 775.21, s. 943.0435, or s. 944.607
9 but for the effective date of those sections, the court must
10 make a finding that the probationer or offender is not a
11 danger to the public prior to release with or without bail. In
12 determining the danger posed by the offender or probationer's
13 release, the court may consider the nature and circumstances
14 of the violation and any new offenses charged; the offender or
15 probationer's past and present conduct, including convictions
16 of crimes; any record of arrests without conviction for crimes
17 involving violence or sexual crimes; any other evidence of
18 allegations of unlawful sexual conduct or the use of violence
19 by the offender or probationer; the offender or probationer's
20 family ties, length of residence in the community, employment
21 history, and mental condition; his or her history and conduct
22 during the probation or community control supervision from
23 which the violation arises and any other previous
24 supervisions, including disciplinary records of previous
25 incarcerations; the likelihood that the offender or
26 probationer will engage again in a criminal course of conduct;
27 the weight of the evidence against the offender or
28 probationer; and any other facts the court considers relevant.
29 The court, as soon as is practicable, shall give the
30 probationer or offender an opportunity to be fully heard on
31 his or her behalf in person or by counsel. After such hearing,

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1 the court shall make findings of fact and forward the findings
2 to the court which granted the probation or community control
3 and to the probationer or offender or his or her attorney. The
4 findings of fact by the hearing court are binding on the court
5 which granted the probation or community control. Upon the
6 probationer or offender being brought before it, the court
7 which granted the probation or community control may revoke,
8 modify, or continue the probation or community control or may
9 place the probationer into community control as provided in
10 this section.

11
12 (Redesignate subsequent sections.)

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

16 And the title is amended as follows:

17 On page 2, line 27, after the semicolon

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19 insert:

20 amending s. 948.06(4); requiring a court
21 finding with regard to dangerousness to the
22 public prior to release on bail under certain
23 circumstances;

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