

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to custody of criminal defendants;
7 amending s. 907.04, F.S.; providing that arrestees in the
8 custody of the Department of Corrections at the time of
9 arrest be retained in the department's custody pending
10 disposition of the charge or until the expiration of the
11 arrestee's original sentence of imprisonment; requiring
12 application of specified provisions if an arrested state
13 prisoner's presence is required in court; providing an
14 effective date.

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

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18 Section 1. Section 907.04, Florida Statutes, is amended to
19 read:

20 907.04 Disposition of defendant upon arrest.--

21 (1) Except as provided in subsection (2), if a person who
22 is arrested does not have a right to bail for the offense
23 charged, he or she shall be delivered immediately into the

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24 custody of the sheriff of the county in which the indictment,
25 information, or affidavit is filed. If the person who is
26 arrested has a right to bail, he or she shall be released after
27 giving bond on the amount specified in the warrant.

28 (2) If the person who is arrested is, at the time of
29 arrest, in the custody of the Department of Corrections under
30 sentence of imprisonment, unless otherwise ordered by the court,
31 such person shall remain in the department's custody pending
32 disposition of the charge or until the person's underlying
33 sentence of imprisonment expires, whichever occurs earlier. If
34 the arrested state prisoner's presence is required in court for
35 any reason, the provisions of s. 944.17(8) shall apply.

36 Section 2. This act shall take effect July 1, 2006.