## Florida Senate - 2006

By the Committee on Criminal Justice; and Senator Bennett

591-1740-06

1	A bill to be entitled
2	An act relating to custody of criminal
3	defendants; amending s. 907.04, F.S.; providing
4	that arrestees in the custody of the Department
5	of Corrections at the time of arrest be
6	retained in the department's custody pending
7	disposition of the charge or until the
8	expiration of the arrestee's original sentence
9	of imprisonment; requiring application of
10	specified provisions if an arrested state
11	prisoner's presence is required in court;
12	providing an effective date.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. Section 907.04, Florida Statutes, is
17	amended to read:
18	907.04 Disposition of defendant upon arrest
19	(1) Except as provided in subsection (2), if a person
20	who is arrested does not have a right to bail for the offense
21	charged, he or she shall be delivered immediately into the
22	custody of the sheriff of the county in which the indictment,
23	information, or affidavit is filed. If the person who is
24	arrested has a right to bail, he or she shall be released
25	after giving bond on the amount specified in the warrant.
26	(2) If the person who is arrested is, at the time of
27	arrest, in the custody of the Department of Corrections under
28	sentence of imprisonment, unless otherwise ordered by the
29	court, such person shall remain in the department's custody
30	pending disposition of the charge or until the person's
31	underlying sentence of imprisonment expires, whichever occurs

**CODING:** Words stricken are deletions; words <u>underlined</u> are additions.

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1	earlier. If the arrested state prisoner's presence is required
2	in court for any reason, the provisions of s. 944.17(8) shall
3	apply.
4	Section 2. This act shall take effect July 1, 2006.
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6	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
7	Senate Bill 688
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9	Clarifies that an inmate who is imprisoned in the custody of the Department of Corrections will remain in the department's
10	custody until the new charge is disposed of or the underlying sentence of imprisonment expires, whichever occurs earlier. If
11	the defendant's presence is needed for a court proceeding, then the provisions of section 944.17(8) will apply and the temporary custody of the defendant may be granted to the sheriff or chief correctional officer.
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13	Sheriff of chief correctional officer.
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