

Bill No. SB 1794

Barcode 345438

CHAMBER ACTION

Senate

House

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Comm: WD
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The Committee on Criminal Justice (Wise) recommended the following **amendment to amendment** (485184):

Senate Amendment (with title amendment)

On page 2, line 9 through
page 3, line 13, delete those lines

and insert: In lieu of issuing a warrant for arrest, the committing trial court judge may issue a notice to appear if the offender on probation or community control has no current or prior conviction or alleged violation for a qualifying offense as defined in this section.

(c) Any parole or probation supervisor, any officer authorized to serve criminal process, or any peace officer of this state is authorized to serve and execute such warrant.

(d) Upon the filing of an affidavit alleging a violation of probation or community control and following issuance of a warrant under s. 901.02, a notice to appear, or a warrantless arrest under s. 948.06, the probationary period is tolled until the court enters a ruling on the violation.

Notwithstanding the tolling of probation as provided in this

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1 subsection, the court shall retain jurisdiction over the
 2 offender for any violation of the conditions of probation or
 3 community control that is alleged to have occurred during the
 4 tolling period. The probation officer is permitted to continue
 5 to supervise any offender who remains available to the officer
 6 for supervision until the supervision expires pursuant to the
 7 order of probation or community control or until the court
 8 revokes or terminates the probation or community control,
 9 whichever comes first.

10 (e) The chief judge of each judicial circuit shall
 11 direct the department to use a notification letter of a
 12 technical violation in appropriate cases in lieu of a
 13 violation report, affidavit, and warrant when the alleged
 14 violation is not a new felony or misdemeanor offense. Such
 15 direction must be in writing and must specify the types of
 16 specific violations which are to be reported by a notification
 17 letter of a technical violation, any exceptions to those
 18 violations, and the required process for submission. At the
 19 direction of the chief judge, the department shall send the
 20 notification letter of a technical violation to the court.

21 (f) The court may allow the department to file an
 22 affidavit, notification letter, violation report, or other
 23 report under this section by fax or electronic submission.

24 (2)

25 (h)1. For each case in which the offender admits to
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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 3, lines 21 and 22, delete those lines

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1 and insert:

2 authorizing the court to issue a notice to
3 appear for certain violators; authorizing the
4 court to allow the submission of certain
5 documents electronically or by fax;

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