

Bill No. SB 1794

Barcode 485184

CHAMBER ACTION

Senate

House

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Comm: FAV  
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The Committee on Criminal Justice (Wise) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 2, lines 3-20, delete those lines

and insert:

Section 2. Subsection (1) is amended, and paragraph (i) is added to subsection (2) of section 948.06, Florida Statutes, to read:

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

(1)(a) Whenever within the period of probation or community control there are reasonable grounds to believe that a probationer or offender in community control has violated his or her probation or community control in a material respect, any law enforcement officer who is aware of the probationary or community control status of the probationer or offender in community control or any parole or probation supervisor may arrest or request any county or municipal law

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1 enforcement officer to arrest such probationer or offender  
2 without warrant wherever found and forthwith return him or her  
3 to the court granting such probation or community control.

4 (b) Any committing trial court judge may issue a  
5 warrant, upon the facts being made known to him or her by  
6 affidavit of one having knowledge of such facts, for the  
7 arrest of the probationer or offender, returnable forthwith  
8 before the court granting such probation or community control.  
9 In lieu of issuing a warrant for arrest, the committing trial  
10 court judge may issue a notice to appear if the probationer or  
11 offender in community control has never been convicted of  
12 committing a qualifying offense as defined in this section.

13 (c) Any parole or probation supervisor, any officer  
14 authorized to serve criminal process, or any peace officer of  
15 this state is authorized to serve and execute such warrant.  
16 Any parole or probation supervisor is authorized to serve such  
17 notice to appear.

18 (d) Upon the filing of an affidavit alleging a  
19 violation of probation or community control and following  
20 issuance of a warrant under s. 901.02, or a notice to appear,  
21 the probationary period is tolled until the court enters a  
22 ruling on the violation. Notwithstanding the tolling of  
23 probation as provided in this subsection, the court shall  
24 retain jurisdiction over the offender for any violation of the  
25 conditions of probation or community control that is alleged  
26 to have occurred during the tolling period. The probation  
27 officer is permitted to continue to supervise any offender who  
28 remains available to the officer for supervision until the  
29 supervision expires pursuant to the order of probation or  
30 community control or until the court revokes or terminates the  
31 probation or community control, whichever comes first.

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1       (e) The chief judge of each judicial circuit may  
2 direct the department to use a notification letter of a  
3 technical violation in lieu of a violation report, affidavit,  
4 and warrant when the alleged violation is not a new felony or  
5 misdemeanor offense. Such direction must be in writing and  
6 must specify the types of specific violations which are to be  
7 reported by a notification letter of a technical violation,  
8 any exceptions to those violations, and the required process  
9 for submission. At the direction of the chief judge, the  
10 department shall send the notification letter of a technical  
11 violation to the court.

12           (2)

13       (h)1. For each case in which the offender admits to

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

17 And the title is amended as follows:

18           On page 1, line 8, before the word "authorizing"

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20 insert:

21           authorizing the court to issue a notice to

22           appear for certain violators;

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