

Bill No. SB 1794

Barcode 485326

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraphs (h) and (i) are 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.--

(2)

(h) The chief judge of each judicial circuit may direct the department to use a notification letter of a technical violation in lieu of a violation report, affidavit, and warrant when the alleged violation is not a new felony or misdemeanor offense. Such direction must be in writing and must specify the types of specific violations which are to be reported by a notification letter of a technical violation, any exceptions to those violations, and the required process

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1 for submission. At the direction of the chief judge, the
2 department shall send the notification letter of a technical
3 violation to the court.

4 (i)1. For each case in which the offender admits to
5 committing a violation or is found to have committed a
6 violation, the department shall provide the court with a
7 recommendation as to disposition by the court. The department
8 shall provide the reasons for its recommendation and include
9 an evaluation of:

10 a. The appropriateness or inappropriateness of
11 community facilities, programs, or services for treating or
12 supervising the offender;

13 b. The ability or inability of the department to
14 provide an adequate level of supervision of the offender in
15 the community and a statement of what constitutes an adequate
16 level of supervision; and

17 c. The existence of the treatment modalities that the
18 offender could use but that do not currently exist in the
19 community.

20 2. The report must also include a summary of the
21 offender's prior supervision history, including the offender's
22 prior participation in treatment, educational, and vocational
23 programs, and any other actions by or circumstances concerning
24 the offender which are relevant.

25 3. The court may specify whether the recommendation or
26 report must be oral or written and may waive the requirement
27 for a report in an individual case or a class of cases. This
28 paragraph does not prohibit the department from making any
29 other report or recommendation that is provided for by law or
30 requested by the court.

31 Section 2. The Department of Corrections shall conduct

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1 a caseload and risk-assessment study to determine management
 2 caseload ratios for probation and community control and
 3 provide supervision based on an offender's level of risk. The
 4 department shall submit a final report to the Governor, the
 5 President of the Senate, and the Speaker of the House of
 6 Representatives by December 31, 2007.

7 Section 3. This act shall take effect upon becoming a
 8 law.

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

12 And the title is amended as follows:

13 Delete everything before the enacting clause

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15 and insert:

16 A bill to be entitled
 17 An act relating to probation; amending s.
 18 948.06, F.S.; authorizing the court to approve
 19 the use of a notification letter of a technical
 20 violation of a term of probation or community
 21 control; requiring the Department of
 22 Corrections to provide the court with
 23 recommendations as to disposition by the court;
 24 requiring the Department of Corrections to
 25 conduct a study and submit a report; providing
 26 an effective date.

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