

1 probationary or community control status of the probationer or
2 offender in community control or any parole or probation
3 supervisor may arrest or request any county or municipal law
4 enforcement officer to arrest such probationer or offender
5 without warrant wherever found and forthwith return him or her
6 to the court granting such probation or community control.

7 (b) Any committing trial court judge may issue a
8 warrant, upon the facts being made known to him or her by
9 affidavit of one having knowledge of such facts, for the
10 arrest of the probationer or offender, returnable forthwith
11 before the court granting such probation or community control.
12 In lieu of issuing a warrant for arrest, the committing trial
13 court judge may issue a notice to appear if the probationer or
14 offender in community control has never been convicted of
15 committing, and is not currently alleged to have committed, a
16 qualifying offense as defined in this section.

17 (c) Any parole or probation supervisor, any officer
18 authorized to serve criminal process, or any peace officer of
19 this state is authorized to serve and execute such warrant.
20 Any parole or probation supervisor is authorized to serve such
21 notice to appear.

22 (d) Upon the filing of an affidavit alleging a
23 violation of probation or community control and following
24 issuance of a warrant under s. 901.02, a warrantless arrest
25 under this section, or a notice to appear under this section,
26 the probationary period is tolled until the court enters a
27 ruling on the violation. Notwithstanding the tolling of
28 probation as provided in this subsection, the court shall
29 retain jurisdiction over the offender for any violation of the
30 conditions of probation or community control that is alleged
31 to have occurred during the tolling period. The probation

1 officer is permitted to continue to supervise any offender who
2 remains available to the officer for supervision until the
3 supervision expires pursuant to the order of probation or
4 community control or until the court revokes or terminates the
5 probation or community control, whichever comes first.

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

17 (f) The court may allow the department to file an
18 affidavit, notification letter, violation report, or other
19 report under this section by facsimile or electronic
20 submission.

21 (2)

22 (h)1. For each case in which the offender admits to
23 committing a violation or is found to have committed a
24 violation the department shall provide the court with a
25 recommendation as to disposition by the court. The department
26 shall provide the reasons for its recommendation and include
27 an evaluation of:

28 a. The appropriateness or inappropriateness of
29 community facilities, programs, or services for treating or
30 supervising the offender;

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1 b. The ability or inability of the department to
2 provide an adequate level of supervision of the offender in
3 the community and a statement of what constitutes an adequate
4 level of supervision; and

5 c. The existence of treatment modalities that the
6 offender could use but that do not currently exist in the
7 community.

8 2. The report must also include a summary of the
9 offender's prior supervision history, including the offender's
10 prior participation in treatment, educational, and vocational
11 programs, and any other actions by or circumstances concerning
12 the offender which are relevant.

13 3. The court may specify whether the recommendation or
14 report must be oral or written and may waive the requirement
15 for a report in an individual case or a class of cases. This
16 paragraph does not prohibit the department from making any
17 other report or recommendation that is provided for by law or
18 requested by the court.

19 Section 2. The Department of Corrections shall conduct
20 a caseload and risk-assessment study to determine management
21 caseload ratios for probation and community control and
22 provide supervision based on an offender's level of risk. The
23 department shall submit a final report to the Governor, the
24 President of the Senate, and the Speaker of the House of
25 Representatives by December 31, 2007.

26 Section 3. This act shall take effect upon becoming a
27 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1794
4 - Authorizes judges to issue notices to appear to offenders
5 who are alleged to have violated probation or community
6 control, rather than having them arrested and jailed. Use
7 of a notice to appear is not authorized for offenders who
8 have committed one of the Anti-Murder Act qualifying
9 offenses. The notices are to be served by probation
10 officers.
11 - Provides for tolling of the period of probation or
12 community control when a notice to appear is issued or a
13 warrantless arrest is made.
14 - Provides that the chief judge of the circuit "shall,"
15 rather than "may," direct the Department of Corrections
16 to use a notification letter of technical violation to
17 report violations that are not new crimes. The chief
18 judge determines the details of the process, including
19 the types of violations and offenders who may be included
20 and how the letter is to be submitted.
21 - Allows the department to submit affidavits and reports
22 related to probation violations by e-mail or facsimile if
23 authorized by the court.
24 - Deletes the bill's provision that would have repealed
25 statutory restrictions on probation officer caseloads for
26 certain offense categories, and directs the Department of
27 Corrections to study and report on using a
28 risk-assessment based caseload management system.
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