



481706

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2010	.	
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The Committee on Criminal Justice (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 28 - 41
and insert:

(c) Notwithstanding s. 907.041, when a probationer or an offender on community control is arrested and alleged to have committed a new law violation for which the court at first appearance finds probable cause, based upon the facts made known to the court the court may:

1. Determine whether it is more likely than not that the probationer or offender on community control will receive a prison sanction for violating the terms of community supervision



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13 based upon the arrest for a new law violation;

14 2. Detain the probationer or offender to await further
15 hearing to determine the outcome of the violation if it appears
16 more likely than not that the probationer or offender on
17 community control will receive a prison sanction, or release the
18 probationer or offender with or without bail on the violation.

19 a. If an affidavit alleging a violation is not filed and
20 made known to the court within 10 days of the arrest on the new
21 law violation, the order detaining or releasing the probationer
22 or offender shall be dismissed.

23 b. If an affidavit alleging a violation is filed within 10
24 days of the arrest and made known to the court, the court shall
25 schedule a hearing no later than 10 days after the filing of the
26 affidavit, unless waived by the probationer or offender, to
27 determine whether its order of detention or release shall remain
28 in effect.

29 3. Order the arrest and return of the probationer or
30 offender to the court that granted community supervision under
31 subsection (1) (a).

32
33 This paragraph does not apply to a probationer or offender on
34 community control who is subject to the hearing requirements
35 under subsection (4) or paragraph (8) (e).

36
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete lines 7 - 12

40 and insert:

41 probable cause, the court may determine the likelihood



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42 of a prison sanction on a violation based on the new
43 arrest;providing that the court may order detention if
44 it appears more likely than not that a prison sanction
45 may be forthcoming on a violation; providing that the
46 court may release the probationer or offender on
47 community control with or without bail on the
48 violation; providing that the court may order the
49 probationer or offender's arrest and return to the
50 original sentencing court under s.948.06(1)(a),F.S.;
51 providing for dismissal of a detention or release
52 order where no affidavit alleging a violation is filed
53 within a specified period; providing for a hearing if
54 an affidavit alleging a violation is timely filed;