

By Senator Bennett

21-00388-10

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1                   A bill to be entitled  
2           An act relating to pretrial proceedings; providing a  
3           short title; amending s. 948.06, F.S.; providing that  
4           at the first appearance of a probationer or an  
5           offender on community control arrested for a new  
6           offense for which the court finds the existence of  
7           probable cause, the court may order pretrial detention  
8           or pretrial release of the person with or without bail  
9           to await further hearing to determine the outcome of a  
10          violation hearing; providing for dismissal if no  
11          affidavit alleging a violation of probation or  
12          community control is filed within a specified period;  
13          exempting persons subject to hearings under specified  
14          provisions; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. This act may be cited as the "Officer Andrew  
19 Widman Act."

20           Section 2. Paragraphs (c) through (f) of subsection (1) of  
21 section 948.06, Florida Statutes, are redesignated as paragraphs  
22 (d) through (g), respectively, and a new paragraph (c) is added  
23 to that subsection to read:

24           948.06 Violation of probation or community control;  
25 revocation; modification; continuance; failure to pay  
26 restitution or cost of supervision.—

27           (1)

28           (c) Notwithstanding s. 907.041, at the first appearance of  
29 a probationer or an offender on community control arrested for a

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30 new offense for which the court finds the existence of probable  
31 cause, the court may order pretrial detention or pretrial  
32 release of the person with or without bail to await further  
33 hearing to determine the outcome of a violation hearing. If no  
34 affidavit alleging a violation of probation or community control  
35 is filed with the court within 10 days after arrest for the new  
36 offense, the order regarding pretrial detention or pretrial  
37 release on the uncharged violation of probation or community  
38 control shall be dismissed. This paragraph does not apply to a  
39 probationer or community controllee subject to a hearing on his  
40 or her danger to the community required under subsection (4) or  
41 paragraph (8) (e).

42 Section 3. This act shall take effect October 1, 2010.