

By the Committee on Criminal Justice; and Senators Bennett and Richter

591-02483-10

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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 determine the likelihood
8 of a prison sanction for the violation based on the
9 new arrest; providing that the court may order
10 detention if it appears more likely than not that a
11 prison sanction may be forthcoming on the violation;
12 providing that the court may release the probationer
13 or offender on community control with or without bail
14 on the violation; providing that the court may order
15 the probationer or offender's arrest and return to the
16 original sentencing court under s. 948.06(1)(a), F.S.;
17 providing for dismissal of a detention or release
18 order if no affidavit alleging a violation is filed
19 within a specified period; providing for a hearing if
20 an affidavit alleging a violation is timely filed;
21 exempting persons subject to hearings under specified
22 provisions; providing an effective date.

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24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. This act may be cited as the "Officer Andrew
27 Widman Act."

28 Section 2. Present paragraphs (c) through (f) of subsection
29 (1) of section 948.06, Florida Statutes, are redesignated as

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30 paragraphs (d) through (g), respectively, and a new paragraph
31 (c) is added to that subsection to read:

32 948.06 Violation of probation or community control;
33 revocation; modification; continuance; failure to pay
34 restitution or cost of supervision.—

35 (1)

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

41 1. Determine whether it is more likely than not that the
42 probationer or offender on community control will receive a
43 prison sanction for violating the terms of community supervision
44 based upon the arrest for the new violation of law.

45 2. Detain the probationer or offender to await further
46 hearing to determine the outcome of the violation if it appears
47 more likely than not that the probationer or offender on
48 community control will receive a prison sanction, or release the
49 probationer or offender with or without bail on the violation.

50 a. If an affidavit alleging a violation is not filed and
51 made known to the court within 10 days after the arrest on the
52 new violation of law, the order detaining or releasing the
53 probationer or offender shall be dismissed.

54 b. If an affidavit alleging a violation is filed within 10
55 days after the arrest and made known to the court, the court
56 shall schedule a hearing no later than 10 days after the filing
57 of the affidavit, unless waived by the probationer or offender,
58 to determine whether its order of detention or release shall

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59 remain in effect.

60 3. Order the arrest and return of the probationer or
61 offender to the court that granted community supervision under
62 paragraph (a).

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64 This paragraph does not apply to a probationer or offender on
65 community control who is subject to the hearing requirements
66 under subsection (4) or paragraph (8) (e).

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