

By Senator Fasano

11-00600-11

2011494

1 A bill to be entitled

2 An act relating to sexual offenders and predators;
3 amending s. 903.046, F.S.; requiring a court
4 considering whether to release a defendant on bail to
5 determine whether the defendant is subject to
6 registration as a sexual offender or predator and, if
7 so, to hold the defendant without bail until the first
8 appearance on the case; providing an effective date.

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

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12 Section 1. Paragraphs (m) and (n) are added to subsection
13 (2) of section 903.046, Florida Statutes, to read:

14 903.046 Purpose of and criteria for bail determination.—

15 (2) When determining whether to release a defendant on bail
16 or other conditions, and what that bail or those conditions may
17 be, the court shall consider:

18 (m) Whether the defendant is required to register as a
19 sexual offender under s. 943.0435; and, if so, he or she is not
20 eligible for release on bail or surety bond until the first
21 appearance on the case in order to ensure the full participation
22 of the prosecutor and the protection of the public.

23 (n) Whether the defendant is required to register as a
24 sexual predator under s. 775.21; and, if so, he or she is not
25 eligible for release on bail or surety bond until the first
26 appearance on the case in order to ensure the full participation
27 of the prosecutor and the protection of the public.

28 Section 2. This act shall take effect July 1, 2011.