



683982

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/06/2018	.	
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The Committee on Criminal Justice (Bracy) recommended the following:

Senate Amendment to Amendment (648186)

Delete lines 90 - 142

and insert:

presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons;



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11 6. The defendant was on probation, parole, or other release
12 pending completion of sentence or on pretrial release for a
13 dangerous crime at the time the current offense was committed;

14 7. The defendant has violated one or more conditions of
15 pretrial release or bond for the offense currently before the
16 court and the violation, in the discretion of the court,
17 supports a finding that no conditions of release can reasonably
18 protect the community from risk of physical harm to persons or
19 assure the presence of the accused at trial; or

20 8.a. The defendant has ever been sentenced pursuant to s.
21 775.082(9) or s. 775.084 as a prison releasee reoffender,
22 habitual violent felony offender, three-time violent felony
23 offender, or violent career criminal, or the state attorney
24 files a notice seeking that the defendant be sentenced pursuant
25 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
26 habitual violent felony offender, three-time violent felony
27 offender, or violent career criminal;

28 b. There is a substantial probability that the defendant
29 committed the offense; and

30 c. There are no conditions of release that can reasonably
31 protect the community from risk of physical harm or ensure the
32 presence of the accused at trial.

33 Section 4. Section 907.042, Florida Statutes, is created to
34 read:

35 907.042 Supervised bond program.-

36 (1) LEGISLATIVE FINDINGS.-The Legislature finds that there
37 is a need to use evidence-based methods to identify defendants
38 that can successfully comply with specified pretrial release
39 conditions. The Legislature finds that the use of actuarial



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40 instruments that evaluate criminogenic based needs and classify
41 defendants according to levels of risk provides a more
42 consistent and accurate assessment of a defendant's risk of
43 noncompliance while on pretrial release pending trial. The
44 Legislature also finds that both the community and a defendant
45 are better served when a defendant, who poses a low risk to
46 society, is provided the opportunity to fulfill employment and
47 familial responsibilities in the community under a structured
48 pretrial release plan that ensures the best chance of remaining
49 compliant with all pretrial conditions rather than remaining in
50 custody. The Legislature finds that there is a need to establish
51 a supervised bond program in each county for the purpose of
52 providing pretrial release to certain defendants who may not
53 otherwise be eligible for pretrial release on unsupervised
54 nonmonetary conditions and who do not have the ability to
55 satisfy the bond imposed by the court. The Legislature finds
56 that the creation of such a program will reduce the likelihood
57 of defendants remaining unnecessarily in custody pending trial.