

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Garrison offered the following:

Amendment (with title amendment)

Remove lines 228-342 and insert:

23. Human trafficking;

24. Trafficking in any controlled substance described in s. 893.135(1)(c)4.;

25. Extortion in violation of s. 836.05; and

26. Written threats to kill in violation of s. 836.10.

(b) A ~~No~~ person arrested for ~~charged with~~ a dangerous crime may not shall be granted nonmonetary pretrial release at a first appearance hearing if the court has determined there is probable cause to believe the person has committed the offense; ~~however, the court shall retain the discretion to release an accused on electronic monitoring or on recognizance bond if the~~

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17 ~~findings on the record of facts and circumstances warrant such a~~
18 ~~release.~~

19 (c) Upon motion by the state attorney, the court may order
20 pretrial detention if it finds a substantial probability, based
21 on a defendant's past and present patterns of behavior, the
22 criteria in s. 903.046, and any other relevant facts, that any
23 of the following circumstances exist:

24 1. The defendant has previously violated conditions of
25 release and that no further conditions of release are reasonably
26 likely to assure the defendant's appearance at subsequent
27 proceedings;

28 2. The defendant, with the intent to obstruct the judicial
29 process, has threatened, intimidated, or injured any victim,
30 potential witness, juror, or judicial officer, or has attempted
31 or conspired to do so, and that no condition of release will
32 reasonably prevent the obstruction of the judicial process;

33 3. The defendant is charged with trafficking in controlled
34 substances as defined by s. 893.135, that there is a substantial
35 probability that the defendant has committed the offense, and
36 that no conditions of release will reasonably assure the
37 defendant's appearance at subsequent criminal proceedings;

38 4. The defendant is charged with DUI manslaughter, as
39 defined by s. 316.193, and that there is a substantial
40 probability that the defendant committed the crime and that the
41 defendant poses a threat of harm to the community; conditions

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42 that would support a finding by the court pursuant to this
43 subparagraph that the defendant poses a threat of harm to the
44 community include, but are not limited to, any of the following:

45 a. The defendant has previously been convicted of any
46 crime under s. 316.193, or of any crime in any other state or
47 territory of the United States that is substantially similar to
48 any crime under s. 316.193;

49 b. The defendant was driving with a suspended driver
50 license when the charged crime was committed; or

51 c. The defendant has previously been found guilty of, or
52 has had adjudication of guilt withheld for, driving while the
53 defendant's driver license was suspended or revoked in violation
54 of s. 322.34;

55 5. The defendant poses the threat of harm to the
56 community. The court may so conclude, if it finds that the
57 defendant is presently charged with a dangerous crime, that
58 there is a substantial probability that the defendant committed
59 such crime, that the factual circumstances of the crime indicate
60 a disregard for the safety of the community, and that there are
61 no conditions of release reasonably sufficient to protect the
62 community from the risk of physical harm to persons;

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

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67 7. The defendant has violated one or more conditions of
68 pretrial release or bond for the offense currently before the
69 court and the violation, in the discretion of the court,
70 supports a finding that no conditions of release can reasonably
71 protect the community from risk of physical harm to persons or
72 assure the presence of the accused at trial; or

73 8.a. The defendant has ever been sentenced pursuant to s.
74 775.082(9) or s. 775.084 as a prison releasee reoffender,
75 habitual violent felony offender, three-time violent felony
76 offender, or violent career criminal, or the state attorney
77 files a notice seeking that the defendant be sentenced pursuant
78 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
79 habitual violent felony offender, three-time violent felony
80 offender, or violent career criminal;

81 b. There is a substantial probability that the defendant
82 committed the offense; and

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

86 (d) If a defendant is arrested for a dangerous crime that
87 is a capital felony, a life felony, or a felony of the first
88 degree, and the court determines there is probable cause to
89 believe the defendant committed the offense, the state attorney,
90 or the court on its own motion, shall motion for pretrial
91 detention. If the court finds a substantial probability that the

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92 defendant committed the offense and, based on the defendant's
93 past and present patterns of behavior, consideration of the
94 criteria in s. 903.046, and any other relevant facts, that no
95 conditions of release or bail will reasonably protect the
96 community from risk of physical harm, ensure the presence of the
97 defendant at trial, or assure the integrity of the judicial
98 process, the court must order pretrial detention.

99 (e)-(d) When a person charged with a crime for which
100 pretrial detention could be ordered is arrested, the arresting
101 agency shall promptly notify the state attorney of the arrest
102 and shall provide the state attorney with such information as
103 the arresting agency has obtained relative to:

- 104 1. The nature and circumstances of the offense charged;
- 105 2. The nature of any physical evidence seized and the
106 contents of any statements obtained from the defendant or any
107 witness;
- 108 3. The defendant's family ties, residence, employment,
109 financial condition, and mental condition; and
- 110 4. The defendant's past conduct and present conduct,
111 including any record of convictions, previous flight to avoid
112 prosecution, or failure to appear at court proceedings.

113 (f)-(e) When a person charged with a crime for which
114 pretrial detention could be ordered is arrested, the arresting
115 agency may detain such defendant, prior to his or her first
116 appearance hearing or prior to the filing by the state attorney

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117 of a motion seeking pretrial detention, for a period not to
118 exceed 24 hours.

119 (g)1.~~(f)~~ If a motion for pretrial detention is required
120 under paragraph (d), the pretrial detention hearing must shall
121 be held within 5 days of the filing by the state attorney of a
122 complaint to seek pretrial detention after the defendant's first
123 appearance hearing or, if there is no first appearance hearing,
124 within 5 days of the defendant's arraignment.

125 2. If a state attorney files a motion for pretrial
126 detention under paragraph (c), the pretrial detention hearing
127 must be held within 5 days after the filing of such motion.

128 3. The defendant may request a continuance of a pretrial
129 detention hearing. No continuance shall be for longer than 5
130 days unless there are extenuating circumstances. ~~The defendant~~
131 ~~may be detained pending the completion of the hearing.~~ The state
132 attorney shall be entitled to one continuance for good cause.

133 4. The defendant may be detained pending the completion of
134 the pretrial detention hearing. If a defendant is released on
135 bail pending a pretrial detention hearing under paragraph (d),
136 the court must inform the defendant that if he or she uses a
137 surety bond to meet the monetary component of pretrial release
138 and the motion for pretrial detention is subsequently granted,
139 the defendant will not be entitled to the return of the premium
140 on such surety bond.

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T I T L E A M E N D M E N T

Remove line(s) 26-33 and insert:
appearance hearing; specifying that upon motion by the
state attorney, a court may order pretrial detention
if certain circumstances exist; providing for a
detention hearing for persons charged with dangerous
crimes; authorizing a state attorney or a court to
move for detention of persons charged with dangerous
crimes in certain circumstances; requiring a court to
order pretrial detention in certain circumstances;
providing requirements for detention hearings;
revising requirements for a pretrial detention order;
requiring a court to provide specified information to
certain defendants; providing