

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WITHDRAWN	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>	

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

**Amendment (with title amendment)**

Remove lines 207-278 and insert:

6 (4) (a) Notwithstanding any other provision of this  
 7 section, a felony probationer or an offender in community  
 8 control who is arrested for violating his or her probation or  
 9 community control in a material respect may be taken before the  
 10 court in the county or circuit in which the probationer or  
 11 offender was arrested. That court shall advise him or her of the  
 12 charge of a violation and, if such charge is admitted, shall  
 13 cause him or her to be brought before the court that granted the  
 14 probation or community control. If the violation is not admitted  
 15 by the probationer or offender, the court may commit him or her  
 16 or release him or her with or without bail to await further

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17 hearing. However, if the probationer or offender is under  
18 supervision for any criminal offense proscribed in chapter 794,  
19 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a  
20 registered sexual predator or a registered sexual offender, or  
21 is under supervision for a criminal offense for which he or she  
22 would meet the registration criteria in s. 775.21, s. 943.0435,  
23 or s. 944.607 but for the effective date of those sections, the  
24 court must make a finding that the probationer or offender is  
25 not a danger to the public prior to release with or without  
26 bail. In determining the danger posed by the offender's or  
27 probationer's release, the court may consider the nature and  
28 circumstances of the violation and any new offenses charged; the  
29 offender's or probationer's past and present conduct, including  
30 convictions of crimes; any record of arrests without conviction  
31 for crimes involving violence or sexual crimes; any other  
32 evidence of allegations of unlawful sexual conduct or the use of  
33 violence by the offender or probationer; the offender's or  
34 probationer's family ties, length of residence in the community,  
35 employment history, and mental condition; his or her history and  
36 conduct during the probation or community control supervision  
37 from which the violation arises and any other previous  
38 supervisions, including disciplinary records of previous  
39 incarcerations; the likelihood that the offender or probationer  
40 will engage again in a criminal course of conduct; the weight of  
41 the evidence against the offender or probationer; and any other

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42 facts the court considers relevant. The court, as soon as is  
43 practicable, shall give the probationer or offender an  
44 opportunity to be fully heard on his or her behalf in person or  
45 by counsel. If a felony probationer is alleged to have committed  
46 a low-risk violation, as defined in paragraph (9)(b), the court  
47 shall, within 30 days after the probationer's arrest, give the  
48 probationer an opportunity to be fully heard on his or her  
49 behalf in person or by counsel. If a hearing is not held within  
50 30 days after such arrest, the court must release the  
51 probationer without bail unless the court finds that a hearing  
52 was not held in the applicable timeframe due to circumstances  
53 attributable to the probationer. If the probationer is released,  
54 the court may impose nonmonetary conditions of release.

55 (b) After the hearing, the court shall make findings of  
56 fact and forward the findings to the court that granted the  
57 probation or community control and to the probationer or  
58 offender or his or her attorney. The findings of fact by the  
59 hearing court are binding on the court that granted the  
60 probation or community control. Upon the probationer or offender  
61 being brought before it, the court that granted the probation or  
62 community control may revoke, modify, or continue the probation  
63 or community control or may place the probationer into community  
64 control as provided in this section. However, the probationer or  
65 offender shall not be released and shall not be admitted to  
66 bail, but shall be brought before the court that granted the

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67 probation or community control if any violation of felony  
68 probation or community control other than a failure to pay costs  
69 or fines or make restitution payments is alleged to have been  
70 committed by:

71 1.(a) A violent felony offender of special concern, as  
72 defined in this section;

73 2.(b) A person who is on felony probation or community  
74 control for any offense committed on or after March 12, 2007 ~~the~~  
75 ~~effective date of this act~~ and who is arrested for a qualifying  
76 offense as defined in this section; or

77 3.(e) A person who is on felony probation or community  
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80 **T I T L E A M E N D M E N T**

81 Remove line 10 and insert:  
82 for the release of probationers in certain  
83 circumstances