

By the Appropriations Committee on Criminal and Civil Justice

604-03509-24

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1 A bill to be entitled
2 An act relating to pretrial detention hearings;
3 amending s. 907.041, F.S.; authorizing a court to base
4 certain orders of pretrial detention solely on
5 hearsay; making technical changes; providing an
6 effective date.

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8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Paragraphs (j) through (m) of subsection (5) of
11 section 907.041, Florida Statutes, are redesignated as
12 paragraphs (k) through (n), respectively, paragraph (i) of that
13 subsection is amended, and a new paragraph (j) is added to that
14 subsection, to read:

15 907.041 Pretrial detention and release.—

16 (5) PRETRIAL DETENTION.—

17 (i) ~~The defendant is entitled to be represented by counsel,~~
18 ~~to present witnesses and evidence, and to cross-examine~~
19 ~~witnesses.~~ The rules concerning admissibility of evidence in
20 criminal trials do not apply to the presentation and
21 consideration of evidence at the detention hearing. The court
22 may base an order of pretrial detention under paragraph (d)
23 solely on hearsay. ~~but~~ Evidence secured in violation of the
24 United States Constitution or the Constitution of the State of
25 Florida shall not be admissible.

26 (j) The defendant is entitled to be represented by counsel,
27 to present witnesses and evidence, and to cross-examine
28 witnesses. No testimony by the defendant shall be admissible to
29 prove guilt at any other judicial proceeding, but such testimony

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30 may be admitted in an action for perjury, based upon the
31 defendant's statements made at the pretrial detention hearing,
32 or for impeachment.

33 Section 2. This act shall take effect upon becoming a law.