

FOR CONSIDERATION By the Appropriations Committee on Criminal and Civil Justice

604-03244-24

20247068pb

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 an order of pretrial detention solely on hearsay;
5 making technical changes; providing an effective date.
6

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

14 907.041 Pretrial detention and release.—

15 (5) PRETRIAL DETENTION.—

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

25 (j) The defendant is entitled to be represented by counsel,
26 to present witnesses and evidence, and to cross-examine
27 witnesses. No testimony by the defendant shall be admissible to
28 prove guilt at any other judicial proceeding, but such testimony
29 may be admitted in an action for perjury, based upon the

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30 defendant's statements made at the pretrial detention hearing,
31 or for impeachment.

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