

Appropriations Committee on Criminal and Civil Justice

HB 7067 — Pretrial Detention Hearings

by Judiciary Committee and Rep. Jacques and others (SB 7068 by Appropriations Committee on Criminal and Civil Justice)

The bill amends s. 907.041, F.S., to allow a court to base an order of pretrial detention under s. 907.041(5)(d), F.S., solely on hearsay. This ensures that victims and other witnesses are not required to appear in person at pretrial detention hearings.

Section 907.041(5), F.S., specifies circumstances in which the state has discretion to motion for pretrial detention and circumstances in which the state or the court must motion for pretrial detention. Paragraph (5)(d) provides the circumstances in which a motion for pretrial detention *must* be made.

The bill changes the evidentiary requirements for a pretrial detention hearing, but does not affect the requirement to hold such a hearing, the standard of proof at such a hearing, or the time frame in which the hearing must be conducted.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming a law.

Vote: Senate 33-5; House 81-31