1   A bill to be entitled

2   An act relating to pretrial proceedings; providing a short

3   title; amending s. 948.06, F.S.; providing that at the

4   first appearance of a probationer or an offender on

5   community control arrested for a new offense for which the

6   court finds the existence of probable cause, the court may

7   determine the likelihood of a prison sanction for the

8   violation based on the new arrest; providing that the

9   court may order detention if it appears more likely than

10   not that a prison sanction may be forthcoming on the

11   violation; providing that the court may release the

12   probationer or offender on community control with or

13   without bail on the violation; exempting persons subject

14   to hearings under specified provisions; providing an

15   effective date.

16

17   Be It Enacted by the Legislature of the State of Florida:

18

19   Section 1. This act may be cited as the "Officer Andrew

20   Widman Act."

21   Section 2. Present paragraphs (c) through (f) of

22   subsection (1) of section 948.06, Florida Statutes, are

23   redesignated as paragraphs (d) through (g), respectively, and a

24   new paragraph (c) is added to that subsection to read:

25   948.06 Violation of probation or community control;

26   revocation; modification; continuance; failure to pay

27   restitution or cost of supervision.—

28   (1)

29   (c) Notwithstanding s. 907.041, when a probationer or an

30 offender on community control is arrested and alleged to have

31 committed a new violation of law for which the court at first

32 appearance finds probable cause, based upon the facts made known

33 to the court:

34   1. If the probationer or offender has not been arrested

35 under law enforcement's authority set forth in paragraph (a)

36 prior to first appearance, the court may order the arrest of the

37 probationer or offender on a violation of probation or community

38 control, pursuant to the court's finding of probable cause that

39 the probationer or offender has committed a new law violation

40 and that there exist reasonable grounds to believe that the

41 probationer or offender has therefore violated his or her

42 probation or community control in a material respect.

43   a. Upon arrest and at first appearance on the violation,

44 the court shall advise the probationer or offender of the charge

45 of the violation and, if such charge is admitted, shall cause

46 him or her to be brought before the court that granted the

47 probation or community control.

48   b. If the violation is not admitted by the probationer or

49 offender, the court may commit him or her or release him or her

50 with or without bail to await further hearing.

51   c. If the court reaches the issue of a bail determination

52 on the violation of probation or community control, the court

53 may consider as a factor whether it is more likely than not that

54 the probationer or offender on community control will receive a

55 prison sanction for violating the terms of community supervision

56 based upon the arrest for the new violation of law; or

57   2. Upon its determination that probable cause exists for
58 the new law violation and that there exist reasonable grounds to
59 believe that the probationer or offender has violated his or her
60 probation or community control in a material respect, the court
61 may order that the probationer or offender be arrested and
62 returned to the court granting such probation or community
63 control.
64
65 This paragraph does not apply to a probationer or offender on
66 community control who is subject to the hearing requirements
67 under subsection (4) or paragraph (8)(e).
68   Section 3. This act shall take effect October 1, 2011.