

Committee on Criminal Justice

CS/HB 1149 — Alternative Sanctioning

by Criminal Justice Subcommittee and Reps. Spano, Edwards, and others (CS/SB 1256 by Criminal Justice Committee and Senators Brandes and Evers)

The bill creates an alternative sanctioning program for technical violations of probation. The bill defines “technical violation” as any alleged violation of supervision that is not a new felony offense, misdemeanor offense, or criminal traffic offense. The bill allows the chief judge of each judicial circuit, in consultation with the state attorney, public defender, and Department of Corrections, to establish an alternative sanctioning program and determine which technical violations will be eligible for alternative sanctioning.

An eligible probationer who commits a technical violation may choose to participate in the program and admit to the violation, comply with a probation officer’s recommended sanctions, and waive his or her right to a hearing on the violation. A probation officer’s recommended alternative sanction must be reviewed by the court, which may approve the sanction or remove the probationer from the program.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 37-0; House 115-1