

Committee on Criminal Justice

HB 7091 — Probation and Community Control

by Criminal Justice Subcommittee and Rep. Altman (CS/CS/SB 790 by Appropriations Committee; Criminal Justice Committee; and Senator Brandes)

The bill amends s. 948.06, F.S., to address the recent court decision in *Mobley v. State*, 197 So. 3d 572 (4th DCA 2016). The court in *Mobley* held that a warrant issued under s. 901.02, F.S., does not toll an offender's supervision unless the warrant was for a new crime, not just a violation of the conditions of supervision. A probation term is not currently tolled for a technical violation under s. 948.06(1)(f), F.S. This allows the term of probation to expire prior to resolution of any technical violation. The bill removes the reference to s. 901.02, F.S., in s. 948.06(1)(f), F.S., to clarify that a warrant tolling supervision may be issued for a violation of the terms and conditions of the supervision, and that a crime need not be committed for tolling to occur.

The bill revises various sections of ch. 948, F.S., to clarify and update provisions in order to conform to current law and current practices of the Department of Corrections. These revisions include:

- Specifying that after October 1, 2017, individuals convicted of sexual felony offenses under ss. 775.21 or 943.0435, F.S., are ineligible for administrative probation.
- Clarifies that community control is the department's "home confinement" program.
- Authorizes home confinement for any new law violation, not just misdemeanors, as an alternative to jail or prison for courts to sentence offenders for new law violations.

If approved by the Governor, these provisions take effect on July 1, 2017, except where otherwise provided.

Vote: Senate 35-0; House 115-0