

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 894

INTRODUCER: Senator Simmons

SUBJECT: Arrest Warrants for State Prisoners

DATE: March 10, 2017

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Sumner | Hrdlicka | CJ | Pre-meeting |
| 2. | | | JU | |
| 3. | | | AP | |

I. Summary:

The bill creates a law to address unserved arrest warrants for state prisoners. Any prisoner in state prison with an unserved violation of probation or an unserved violation of community control warrant for his or her arrest may file a state prisoner's notice of unserved warrant in the circuit court.

The prisoner must serve notice on the state attorney and the state attorney must schedule the notice for a status hearing 90 days after receipt of the notice. The state attorney must inform the court of the unserved violation of probation or violation of community control. If there are outstanding warrants, the court must order the state attorney to submit an order within 30 days after the status hearing to transport the prisoner to the county jail where the warrant was issued. The court must send the order to the county sheriff for execution.

II. Present Situation:

Violations of Probation

During probation or community control, under s. 948.06, F.S., if a person violates the terms of his or her probation or community control, then any law enforcement officer or parole or probation officer can arrest the person. The arrest may be made with or without a warrant. A judge can also issue a warrant for the person's arrest, or the committing trial court judge can issue a notice to appear, depending on the type of violation.

Currently there is no provision in statute for a prisoner to deal with unserved warrants while in prison.

III. Effect of Proposed Changes:

The bill creates s. 948.33, F.S., to address unserved arrest warrants for state prisoners. The bill allows a prisoner in a state prison who has an unserved violation of probation or an unserved violation of community control warrant for his or her arrest to file a state prisoner's notice of unserved warrant in the circuit court of the judicial circuit where the unserved warrant was issued.

The prisoner must serve notice on the state attorney of that circuit and the state attorney must schedule the notice for a status hearing before the circuit court within 90 days after receipt of the notice. The state prisoner may not be transported to the status hearing.

At the status hearing the state attorney must inform the court whether there is an unserved violation of probation or an unserved violation of community control warrant for the arrest of the state prisoner. If there are outstanding warrants, the court must order the state attorney to submit an order within 30 days after the status hearing to transport the state prisoner to the county jail of the county that issued the warrant. The court must send the order to the county sheriff for execution.

The bill has an effective date of July 1, 2017.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Justice Administration Commission states that the bill will have no fiscal impacts to its agency.¹

Impacts, if any, to the state courts system are unknown at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 948.33 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹ Memorandum No. 021-17, EXEC from the Justice Administration Commission, February 17, 2017.