

ENROLLED

HB 7067, Engrossed 1

2024 Legislature

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 2 An act relating to pretrial detention hearings;  
 3 amending s. 907.041, F.S.; authorizing a court to base  
 4 certain orders of pretrial detention solely on  
 5 hearsay; making technical changes; providing an  
 6 effective date.

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

9  
 10 Section 1. Paragraphs (j) through (m) of subsection (5) of  
 11 section 907.041, Florida Statutes, are redesignated as  
 12 paragraphs (k) through (n), respectively, paragraph (i) of that  
 13 subsection is amended, and a new paragraph (j) is added to that  
 14 subsection, to read:

15 907.041 Pretrial detention and release.—

16 (5) PRETRIAL DETENTION.—

17 (i) ~~The defendant is entitled to be represented by~~  
 18 ~~counsel, to present witnesses and evidence, and to cross-examine~~  
 19 ~~witnesses.~~ The rules concerning admissibility of evidence in  
 20 criminal trials do not apply to the presentation and  
 21 consideration of evidence at the detention hearing. The court  
 22 may base an order of pretrial detention under paragraph (d)  
 23 solely on hearsay. ~~but~~ Evidence secured in violation of the  
 24 United States Constitution or the Constitution of the State of  
 25 Florida shall not be admissible.

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26        (j) The defendant is entitled to be represented by  
27 counsel, to present witnesses and evidence, and to cross-examine  
28 witnesses. No testimony by the defendant shall be admissible to  
29 prove guilt at any other judicial proceeding, but such testimony  
30 may be admitted in an action for perjury, based upon the  
31 defendant's statements made at the pretrial detention hearing,  
32 or for impeachment.

33        Section 2. This act shall take effect upon becoming a law.