

1 A bill to be entitled
 2 An act relating to pretrial detention; amending s.
 3 907.041, F.S.; providing additional factors a court
 4 may consider when ordering pretrial detention;
 5 providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Paragraph (c) of subsection (4) of section
 10 907.041, Florida Statutes, is amended to read:

11 907.041 Pretrial detention and release.—

12 (4) PRETRIAL DETENTION.—

13 (c) The court may order pretrial detention if it finds a
 14 substantial probability, based on a defendant's past and present
 15 patterns of behavior, the criteria in s. 903.046, and any other
 16 relevant facts, that any of the following circumstances exists:

17 1. The defendant has previously violated conditions of
 18 release and that no further conditions of release are reasonably
 19 likely to assure the defendant's appearance at subsequent
 20 proceedings;

21 2. The defendant, with the intent to obstruct the judicial
 22 process, has threatened, intimidated, or injured any victim,
 23 potential witness, juror, or judicial officer, or has attempted
 24 or conspired to do so, and that no condition of release will
 25 reasonably prevent the obstruction of the judicial process;

26 3. The defendant is charged with trafficking in controlled
 27 substances as defined by s. 893.135, that there is a substantial
 28 probability that the defendant has committed the offense, and

29 | that no conditions of release will reasonably assure the
 30 | defendant's appearance at subsequent criminal proceedings; or
 31 | 4. The defendant is charged with DUI manslaughter, as
 32 | defined by s. 316.193, and that there is a substantial
 33 | probability that the defendant committed the crime and that the
 34 | defendant poses a threat of harm to the community; conditions
 35 | that would support a finding by the court pursuant to this
 36 | subparagraph that the defendant poses a threat of harm to the
 37 | community include, but are not limited to, any of the following:
 38 | a. The defendant has previously been convicted of any
 39 | crime under s. 316.193, or of any crime in any other state or
 40 | territory of the United States that is substantially similar to
 41 | any crime under s. 316.193;
 42 | b. The defendant was driving with a suspended driver's
 43 | license when the charged crime was committed; or
 44 | c. The defendant has previously been found guilty of, or
 45 | has had adjudication of guilt withheld for, driving while the
 46 | defendant's driver's license was suspended or revoked in
 47 | violation of s. 322.34;
 48 | 5. The defendant poses the threat of harm to the
 49 | community. The court may so conclude, if it finds that the
 50 | defendant is presently charged with a dangerous crime, that
 51 | there is a substantial probability that the defendant committed
 52 | such crime, that the factual circumstances of the crime indicate
 53 | a disregard for the safety of the community, and that there are
 54 | no conditions of release reasonably sufficient to protect the
 55 | community from the risk of physical harm to persons.
 56 | 6. The defendant was on probation, parole, or other

57 | release pending completion of sentence or on pretrial release
58 | for a dangerous crime at the time the current offense was
59 | committed; ~~or~~

60 | 7. The defendant has violated one or more conditions of
61 | pretrial release or bond for the offense currently before the
62 | court and the violation, in the discretion of the court,
63 | supports a finding that no conditions of release can reasonably
64 | protect the community from risk of physical harm to persons or
65 | assure the presence of the accused at trial; or-

66 | 8. The defendant has ever been sentenced, pursuant to s.
67 | 775.084 or s. 775.082(9), as a habitual violent felony offender,
68 | a three-time violent felony offender, a violent career criminal,
69 | or a prison releasee reoffender, or the state attorney files a
70 | notice seeking that the defendant be sentenced, pursuant to s.
71 | 775.084 or s. 775.082(9), as a habitual violent felony offender,
72 | a three-time violent felony offender, a violent career criminal,
73 | or a prison releasee reoffender; and there is a substantial
74 | probability that the defendant committed the offense; and that
75 | no conditions of release can reasonably protect the community
76 | from risk of physical harm to persons or assure the presence of
77 | the accused at trial.

78 | Section 2. This act shall take effect July 1, 2013.