

1989

Session Law 89-127

Florida Senate & House of Representatives

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S 907 GENERAL BILL by Ros-Lehtinen (Compare CS/H 1283)

Pretrial Detention; redefines term "dangerous crime", for purposes of determining whether defendant is subject to pretrial detention, to include certain sexual offenses against or in presence of children. Amends 907.041. Effective Date: 10/01/89.

04/03/89 SENATE Prefiled

04/14/89 SENATE Introduced, referred to Judiciary-Criminal -SJ 135

04/28/89 SENATE Extension of time granted Committee Judiciary-Criminal

05/11/89 SENATE On Committee agenda—Judiciary-Criminal, 05/15/89, 2:00 pm, Room-2C-(301)

05/12/89 SENATE Extension of time granted Committee Judiciary-Criminal

05/15/89 SENATE Comm. Report: Favorable by Judiciary-Criminal, placed on Calendar -SJ 354

05/30/89 SENATE Placed on Special Order Calendar -SJ 560; Passed; YEAS 38 NAYS 0 -SJ 580

05/30/89 HOUSE In Messages

06/01/89 HOUSE Received, placed on Calendar; Read second time; Read third time; Passed; YEAS 103 NAYS 0 -HJ 1071

06/01/89 Ordered enrolled -SJ 691

06/12/89 Signed by Officers and presented to Governor

06/26/89 Approved by Governor; Chapter No. 89-127.

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

	<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1.	Rudolph <i>AR</i>	Liepshutz <i>mm</i>	JCR	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

SUBJECT:

Pretrial Detention

BILL NO. AND SPONSOR:

SB 907 by
Senator Ros-Lehtinen

I. SUMMARY:

A. Present Situation:

Currently, the Florida Statutes authorize the detention of a defendant prior to trial based on a finding that he or she poses a threat of harm to the community. A court may make this finding if a person has been charged with certain enumerated dangerous felonies, such as arson, aggravated assault, child abuse, sexual battery or murder, and if that person has previously been convicted of dangerous crimes under certain circumstances or is currently on probation, parole or other release for such crimes.

In addition, the factual circumstances of the dangerous crime with which the person is charged must indicate a disregard for the safety of the community and the court must find that no release conditions will reasonably protect the community from risk of physical harm. s. 907.041, F.S.

B. Effect of Proposed Changes:

SB 907 would add the following offenses to the list of dangerous crimes enumerated in s. 907.041(4)(a), F.S.: (1) commission of a lewd, lascivious or indecent assault or act upon or in the presence of a child under 16 years old (s. 800.04, F.S.), and (2) solicitation of or engaging in sexual activity with a child who is 12 years old or older but less than 18 years old by a person in familial or custodial authority. s. 794.041, F.S.

In effect, pretrial detention could be authorized for a person who has been charged with one of these crimes against children if the additional criteria in s. 907.041(4)(b), F.S., are met.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

Passage of SB 907 would have an indeterminable impact on local government. Insufficient data exists to accurately estimate the number of persons who would be held in county detention facilities pending trial as a result of passage of this bill.

III. COMMENTS:

None.

REVISED: May 15, 1989

BILL NO. SB 907

DATE: May 10, 1989

Page 2

IV. AMENDMENTS:

None.

****AS PASSED BY THE 1989 LEGISLATURE****

STORAGE NAME: s0907.cj
DATE: June 30, 1989

**HOUSE OF REPRESENTATIVES
COMMITTEE ON CRIMINAL JUSTICE
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: SB 907

RELATING TO: Pretrial Detention

SPONSOR(S): Senator Ros-Lehtinen

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: June 26, 1989

CHAPTER #: 89-127, Laws of Florida

COMPANION BILL(S): CS/HB 1283

OTHER COMMITTEES OF REFERENCE: (1) Judiciary-Criminal
(2)

I. SUMMARY:

A. PRESENT SITUATION:

Section 907.041 specifies when a defendant can be held pre-trial without bond. Sexual battery is listed as one of those offenses.

B. EFFECT OF PROPOSED CHANGES:

Section 907.041, F. S., would be amended to provide for pretrial detention in cases of lewd, lascivious, or indecent assault or act upon or in the presence of a child under 18 years of age, and sexual activity with a child over the age of 12, but under age 18 by solicitation of person in familial or custodial authority.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 amends the pretrial detention statute.

Section 2 provides an effective date of October 1, 1989.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Indeterminate

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

Indeterminate

4. Appropriations Consequences:

Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

This bill is consistent with the State Comprehensive Plan, s. 187.201, F. S., in that it ensures that the rights of crime victims are emphasized and protected.

IV. COMMENTS:

This bill is consistent with the Committee Mission Statement in that it allows the criminal justice system to operate effectively and responsibly.

STORAGE NAME: s0907.cj
DATE: June 30, 1989
PAGE: 3

This bill was requested by the Florida Bar's Committee on the Legal Needs of Children.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Susan G. Bisbee
Susan G. Bisbee

Staff Director:

Robin S. Hassler
Robin S. Hassler

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:
