

1 A bill to be entitled
 2 An act relating to misdemeanor pretrial substance
 3 abuse programs; amending s. 948.16, F.S.; providing
 4 that a person who has not previously been convicted of
 5 a felony and who is charged with a nonviolent,
 6 nontraffic-related misdemeanor and identified as
 7 having a substance abuse problem or is charged with
 8 certain other designated misdemeanor offenses may
 9 qualify for participation in a misdemeanor pretrial
 10 substance abuse program; providing an effective date.

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

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 14 Section 1. Paragraph (a) of subsection (1) of section
 15 948.16, Florida Statutes, is amended to read:

16 948.16 Misdemeanor pretrial substance abuse education and
 17 treatment intervention program.—

18 (1) (a) A person who has not previously been convicted of a
 19 felony and who is charged with a nonviolent, nontraffic-related
 20 misdemeanor and identified as having a substance abuse problem
 21 or is charged with a misdemeanor for possession of a controlled
 22 substance or drug paraphernalia under chapter 893, prostitution
 23 under s. 796.07, possession of alcohol while under 21 years of
 24 age under s. 562.111, or possession of a controlled substance
 25 without a valid prescription under s. 499.03(1) and who has not
 26 ~~previously been convicted of a felony nor been admitted to a~~
 27 ~~pretrial program,~~ is eligible for voluntary admission into a
 28 misdemeanor pretrial substance abuse education and treatment

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29 | intervention program, including a treatment-based drug court
30 | program established pursuant to s. 397.334, approved by the
31 | chief judge of the circuit, for a period based on the program
32 | requirements and the treatment plan for the offender, upon
33 | motion of either party or the court's own motion, except, if the
34 | state attorney believes the facts and circumstances of the case
35 | suggest the defendant is involved in dealing and selling
36 | controlled substances, the court shall hold a preadmission
37 | hearing. If the state attorney establishes, by a preponderance
38 | of the evidence at such hearing, that the defendant was involved
39 | in dealing or selling controlled substances, the court shall
40 | deny the defendant's admission into the pretrial intervention
41 | program.

42 | Section 2. This act shall take effect July 1, 2012.