

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative McBurney offered the following:

**Amendment (with title amendment)**

5 Remove lines 886-942 and insert:

6 Section 19. Section 985.345, Florida Statutes, is amended  
 7 to read:

8 985.345 Delinquency pretrial intervention programs  
 9 ~~program.~~

10 (1) (a) Notwithstanding any other ~~provision of law to the~~  
 11 ~~contrary~~, a child who is charged with a felony of the second or  
 12 third degree for purchase or possession of a controlled  
 13 substance under chapter 893; tampering with evidence;  
 14 solicitation for purchase of a controlled substance; or  
 15 obtaining a prescription by fraud, and who has not previously  
 16 been adjudicated for a felony, is eligible for voluntary  
 17 admission into a delinquency pretrial substance abuse education

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18 and treatment intervention program, including a treatment-based  
19 drug court program established pursuant to s. 397.334, approved  
20 by the chief judge or alternative sanctions coordinator of the  
21 circuit to the extent that funded programs are available, for a  
22 period based on the program requirements and the treatment  
23 services that are suitable for the offender, upon motion of  
24 either party or the court's own motion. However, if the state  
25 attorney believes that the facts and circumstances of the case  
26 suggest the child's involvement in the dealing and selling of  
27 controlled substances, the court shall hold a preadmission  
28 hearing. If the state attorney establishes by a preponderance of  
29 the evidence at such hearing that the child was involved in the  
30 dealing and selling of controlled substances, the court shall  
31 deny the child's admission into a delinquency pretrial  
32 intervention program.

33 (b)(2) While enrolled in a delinquency pretrial  
34 intervention program authorized by this subsection ~~section~~, a  
35 child is subject to a coordinated strategy developed by a drug  
36 court team under s. 397.334(4). The coordinated strategy may  
37 include a protocol of sanctions that may be imposed upon the  
38 child for noncompliance with program rules. The protocol of  
39 sanctions may include, but is not limited to, placement in a  
40 substance abuse treatment program offered by a licensed service  
41 provider as defined in s. 397.311 or serving a period of secure  
42 detention under this chapter. The coordinated strategy must be  
43 provided in writing to the child before the child agrees to

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44 enter the pretrial treatment-based drug court program or other  
45 pretrial intervention program. A ~~Any~~ child whose charges are  
46 dismissed after successful completion of the treatment-based  
47 drug court program, if otherwise eligible, may have his or her  
48 arrest record and plea of nolo contendere to the dismissed  
49 charges expunged under s. 943.0585.

50 ~~(c)(3)~~ At the end of the delinquency pretrial intervention  
51 period, the court shall consider the recommendation of the state  
52 attorney and the program administrator as to disposition of the  
53 pending charges. The court shall determine, by written finding,  
54 whether the child has successfully completed the delinquency  
55 pretrial intervention program. Notwithstanding the coordinated  
56 strategy developed by a drug court team pursuant to s.  
57 397.334(4), if the court finds that the child has not  
58 successfully completed the delinquency pretrial intervention  
59 program, the court may order the child to continue in an  
60 education, treatment, or drug testing ~~urine monitoring~~ program  
61 if resources and funding are available or order that the charges  
62 revert to normal channels for prosecution. The court may dismiss  
63 the charges upon a finding that the child has successfully  
64 completed the delinquency pretrial intervention program.

65 (2)(a) Notwithstanding any other law, a child who has been  
66 identified as having a mental illness and who has not been  
67 previously adjudicated for a felony is eligible for voluntary  
68 admission into a delinquency pretrial mental health court  
69 intervention program, established pursuant to s. 394.47892,

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70 approved by the chief judge of the circuit, for a period to be  
71 determined by the court, based on the clinical needs of the  
72 child, upon motion of either party or the court's own motion if  
73 the child is charged with:

74 1. A misdemeanor;

75 2. A nonviolent felony, as defined in s. 948.01(8);

76 3. Resisting an officer with violence under s. 843.01, if  
77 the law enforcement officer and state attorney consent to the  
78 child's participation;

79 4. Battery on a law enforcement officer under 784.07, if  
80 the law enforcement officer and state attorney consent to the  
81 child's participation; or

82 5. Aggravated assault, if the victim and state attorney  
83 consent to the child's participation.

84 (b) At the end of the delinquency pretrial mental health  
85 court intervention period, the court shall consider the  
86 recommendation of the state attorney and the program  
87 administrator as to disposition of the pending charges. The  
88 court shall determine, by written finding, whether the child has  
89 successfully completed the delinquency pretrial mental health  
90 court intervention program. If the court finds that the child  
91 has not successfully completed the program, the court may order  
92 the child to continue in an education, treatment, or monitoring  
93 program if resources and funding are available or order that the  
94 charges revert to normal channels for prosecution. The court may  
95 dismiss the charges upon a finding that the child has

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96 successfully completed the program.

97 (c) A child whose charges are dismissed after successful  
98 completion of the delinquency pretrial mental health court  
99 intervention program, if otherwise eligible, may have his or her  
100 criminal history record for such charges expunged under s.  
101 943.0585.

102 (3)-(4) Any entity, whether public or private, providing  
103  
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106 **T I T L E A M E N D M E N T**

107 Remove lines 58-61 and insert:

108 amending s. 985.345, F.S.; authorizing delinquency pretrial  
109 mental health court intervention programs for certain juvenile  
110 offenders; providing for disposition of pending charges after  
111 completion of the program; authorizing expunction of specified  
112 criminal history records after successful completion of the  
113 program;