

By Representative Ogles

1                                   A bill to be entitled  
2           An act relating to sexual battery; authorizing  
3           the court to sentence a defendant to be treated  
4           with medroxyprogesterone acetate (MPA) if the  
5           defendant is convicted of sexual battery;  
6           providing for mandatory treatment with  
7           medroxyprogesterone acetate (MPA) upon a  
8           subsequent conviction of sexual battery;  
9           providing for voluntary physical castration as  
10          an alternative penalty under specified  
11          circumstances; defining prior convictions;  
12          prohibiting the failure or refusal to appear  
13          for or allow the administration of  
14          medroxyprogesterone acetate (MPA); providing  
15          for severability of provisions held invalid;  
16          providing penalties; providing an effective  
17          date.

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

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21           Section 1. (1) Notwithstanding any other law, the  
22 court:

23           (a) May sentence a defendant to be treated with  
24 medroxyprogesterone acetate (MPA), according to a schedule of  
25 administration established by the Department of Corrections,  
26 if the defendant is convicted of sexual battery as described  
27 in s. 794.011, Florida Statutes.

28           (b) Shall sentence a defendant to be treated with  
29 medroxyprogesterone acetate (MPA), according to a schedule of  
30 administration established by the Department of Corrections,  
31 if the defendant is convicted of sexual battery as described

1 in s. 794.011, Florida Statutes, and the defendant has a prior  
2 conviction of sexual battery under s. 794.011, Florida  
3 Statutes.

4 If the court sentences a defendant to be treated with  
5 medroxyprogesterone acetate (MPA), the penalty may not be  
6 imposed in lieu of, or reduce, any other penalty prescribed  
7 under s. 794.011, Florida Statutes. However, in lieu of  
8 treatment with medroxyprogesterone acetate (MPA), the court  
9 may order the defendant to undergo physical castration upon  
10 written motion by the defendant providing the defendant's  
11 intelligent, knowing, and voluntary consent to physical  
12 castration as an alternative penalty.

13 (2) Notwithstanding the maximum period of  
14 incarceration provided for a conviction of violating s.  
15 794.011, Florida Statutes, the court may sentence a defendant  
16 to be treated with medroxyprogesterone acetate (MPA) for a  
17 specific term of years, or for the life of the defendant, if  
18 expert medical testimony establishes, by a preponderance of  
19 the evidence, that the defendant is an appropriate candidate  
20 for treatment with medroxyprogesterone acetate (MPA). The  
21 Department of Corrections shall provide the services necessary  
22 to administer the medroxyprogesterone acetate (MPA).

23 (3) As used in this section, the term "prior  
24 conviction" means a conviction for which sentence was imposed  
25 separately prior to the imposition of the sentence for the  
26 current offense and which was sentenced separately from any  
27 other conviction that is to be counted as a prior conviction  
28 under this section.

29 (4) If a defendant whom the court has sentenced to be  
30 treated with medroxyprogesterone acetate (MPA) fails or  
31 refuses to:

1           (a) Appear as required by the Department of  
2 Corrections for purposes of administering the  
3 medroxyprogesterone acetate (MPA); or

4           (b) Allow the administration of medroxyprogesterone  
5 acetate (MPA),  
6  
7 the defendant is guilty of a felony of the second degree,  
8 punishable as provided in s. 775.082, s. 775.083, or s.  
9 775.084, Florida Statutes.

10           Section 2. If any provision of this act or the  
11 application thereof to any person or circumstance is held  
12 invalid, the invalidity shall not affect other provisions or  
13 applications of the act which can be given effect without the  
14 invalid provision or application, and to this end the  
15 provisions of this act are declared severable.

16           Section 3. This act shall take effect October 1, 1997.

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19           HOUSE SUMMARY

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21           Authorizes the court to order that a defendant be treated  
22 with medroxyprogesterone acetate (MPA) according to a  
23 schedule of administration established by the Department  
24 of Corrections if the defendant is convicted of  
25 committing sexual battery. Provides for mandatory  
26 treatment with medroxyprogesterone acetate (MPA) upon the  
27 defendant's subsequent conviction of sexual battery.  
28 Provides for voluntary physical castration as an  
29 alternative penalty under specified circumstances.  
30 Provides that a defendant who fails to appear or to allow  
31 the administration of medroxyprogesterone acetate (MPA)  
in compliance with a court order is guilty of a second  
degree felony.