

By the Committee on Crime & Punishment and Representatives
Ogles, Ball, Feeney, Valdes, Rodriguez-Chomat and Villalobos

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; providing for medical
12 determination of medroxyprogesterone acetate
13 (MPA) treatment; providing for commencement,
14 continuation, and termination of treatment;
15 defining "prior conviction"; prohibiting the
16 failure or refusal to appear for or allow the
17 administration of medroxyprogesterone acetate
18 (MPA); providing penalties; providing for
19 severability of provisions held invalid;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. (1) Notwithstanding any other law, the
25 court:
26 (a) May sentence a defendant to be treated with
27 medroxyprogesterone acetate (MPA), according to a schedule of
28 administration established by the Department of Corrections,
29 if the defendant is convicted of sexual battery as described
30 in s. 794.011, Florida Statutes.
31

1 (b) Shall sentence a defendant to be treated with
2 medroxyprogesterone acetate (MPA), according to a schedule of
3 administration established by the Department of Corrections,
4 if the defendant is convicted of sexual battery as described
5 in s. 794.011, Florida Statutes, and the defendant has a prior
6 conviction of sexual battery under s. 794.011, Florida
7 Statutes.

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

18 (2) An order of the court sentencing a defendant to
19 medroxyprogesterone acetate (MPA) treatment under subsection
20 (1) shall be contingent upon a determination by a qualified
21 medical expert that the defendant is an appropriate candidate
22 for treatment with medroxyprogesterone acetate (MPA). Such
23 determination is to be made within 60 days from the imposition
24 of sentence. In all cases involving defendants sentenced to a
25 period of incarceration, the administration of treatment with
26 medroxyprogesterone acetate (MPA) shall commence not later
27 than 1 week prior to the defendant's release from prison or
28 other institution. Treatments with medroxyprogesterone
29 acetate (MPA) shall continue until such time as the Department
30 of Corrections determines that treatment is no longer

31

1 necessary. However, except as provided in subsection (3), no
2 treatments shall exceed the maximum period of incarceration.

3 (3) Notwithstanding the maximum period of
4 incarceration provided for a conviction of violating s.
5 794.011, Florida Statutes, the court may sentence a defendant
6 to be treated with medroxyprogesterone acetate (MPA) for a
7 specific term of years, or for the life of the defendant, if
8 expert medical testimony establishes, by a preponderance of
9 the evidence, that the defendant is an appropriate candidate
10 for treatment with medroxyprogesterone acetate (MPA). The
11 Department of Corrections shall provide the services necessary
12 to administer the medroxyprogesterone acetate (MPA).

13 (4) As used in this section, the term "prior
14 conviction" means a conviction for which sentence was imposed
15 separately prior to the imposition of the sentence for the
16 current offense and which was sentenced separately from any
17 other conviction that is to be counted as a prior conviction
18 under this section.

19 (5) A person whom the court has sentenced to be
20 treated with medroxyprogesterone acetate (MPA) and who fails
21 or refuses to:

22 (a) Appear as required by the Department of
23 Corrections for purposes of administering the
24 medroxyprogesterone acetate (MPA); or

25 (b) Allow the administration of medroxyprogesterone
26 acetate (MPA),

27
28 commits a felony of the second degree, punishable as provided
29 in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

30 Section 2. If any provision of this act or the
31 application thereof to any person or circumstance is held

1 invalid, the invalidity shall not affect other provisions or
2 applications of the act which can be given effect without the
3 invalid provision or application, and to this end the
4 provisions of this act are declared severable.

5 Section 3. This act shall take effect October 1, 1997,
6 and shall apply to all offenses committed on or after that
7 date.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31