

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.

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

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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 monitored by the Department of Corrections, if
29 the defendant is convicted of sexual battery as described in
30 s. 794.011, Florida Statutes.

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

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

17 (2)(a) An order of the court sentencing a defendant to
18 medroxyprogesterone acetate (MPA) treatment under subsection
19 (1), shall be contingent upon a determination by a court
20 appointed medical expert, that the defendant is an appropriate
21 candidate for treatment. Such determination is to be made not
22 later than sixty days from the imposition of sentence.
23 Notwithstanding the statutory maximum periods of incarceration
24 as provided in s. 775.082, F.S., an order of the court
25 sentencing a defendant to medroxyprogesterone acetate (MPA)
26 treatment shall specify the duration of treatment for a
27 specific term of years, or in the discretion of the court, up
28 to the life of the defendant.

29 (b) In all cases involving defendants sentenced to a
30 period of incarceration, the administration of treatment with
31 medroxyprogesterone acetate (MPA) shall commence not later

1 than one week prior to the defendant's release from prison or
2 other institution.

3 (3) The Department of Corrections shall provide the
4 services necessary to administer medroxyprogesterone acetate
5 (MPA) treatment. Nothing contained in this section shall be
6 construed to require the continued administration of
7 medroxyprogesterone acetate (MPA) treatment when it is not
8 medically appropriate.

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

15 (5) If a defendant whom the court has sentenced to be
16 treated with medroxyprogesterone acetate (MPA) fails or
17 refuses to:

18 (a) Appear as required by the Department of
19 Corrections for purposes of administering the
20 medroxyprogesterone acetate (MPA); or

21 (b) Allow the administration of medroxyprogesterone
22 acetate (MPA),

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24 the defendant is guilty of a felony of the second degree,
25 punishable as provided in s. 775.082, s. 775.083, or s.
26 775.084, Florida Statutes.

27 Section 2. If any provision of this act or the
28 application thereof to any person or circumstance is held
29 invalid, the invalidity shall not affect other provisions or
30 applications of the act which can be given effect without the
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1 invalid provision or application, and to this end the
2 provisions of this act are declared severable.

3 Section 3. This act shall take effect for offenses
4 committed on or after October 1, 1997.

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