

By Representative Alexander

1                                   A bill to be entitled  
2           An act relating to pretrial intervention  
3           programs; amending s. 948.08, F.S.; authorizing  
4           the court or state attorney to deny the  
5           admission of a defendant to a pretrial  
6           substance abuse education and treatment  
7           intervention program if the defendant has  
8           rejected any prior offer of admission to such  
9           program; providing an effective date.

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

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13           Section 1. Paragraph (a) of subsection (6) of section  
14 948.08, Florida Statutes, is amended to read:

15           948.08 Pretrial intervention program.--

16           (6)(a) Notwithstanding any provision of this section,  
17 a person who is charged with a felony of the second or third  
18 degree for purchase or possession of a controlled substance  
19 under chapter 893, and who has not previously been convicted  
20 of a felony nor been admitted to a pretrial program referred  
21 to in this section, is eligible for admission into a pretrial  
22 substance abuse education and treatment intervention program  
23 approved by the chief judge of the circuit, for a period of  
24 not less than 1 year in duration, upon motion of either party  
25 or the court's own motion. However, the court or the state  
26 attorney may deny a defendant's admission to a pretrial  
27 substance abuse education and treatment intervention program  
28 if the defendant was previously offered admission to such a  
29 program and the defendant rejected that offer. If the state  
30 attorney believes that the facts and circumstances of the case  
31 suggest the defendant's involvement in the dealing and selling

1 of controlled substances, the court shall hold a preadmission  
2 hearing. If the state attorney establishes, by a preponderance  
3 of the evidence at such hearing, that the defendant was  
4 involved in the dealing or selling of controlled substances,  
5 the court shall deny the defendant's admission into a pretrial  
6 intervention program.

7 Section 2. This act shall take effect July 1, 1999.

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HOUSE SUMMARY

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12 Revises a provision of law governing pretrial  
13 intervention programs to authorize the court or state  
14 attorney to deny the admission of a defendant to a  
pretrial substance abuse and treatment intervention  
program if the defendant has rejected any prior offer of  
admission to such program.

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