

By the Committee on Criminal Justice and Senators Brown-Waite and Laurent

307-485-99

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 to deny the admission of a defendant
5 to a pretrial substance-abuse education and
6 treatment intervention program if the defendant
7 has rejected any prior offer of admission to
8 such program; providing an effective date.

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

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

14 948.08 Pretrial intervention program.--

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

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

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

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 60

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11 Narrows the ability for a court to deny program placement to
12 only pretrial substance abuse education and treatment
13 programs, or "drug courts," after an initial rejection by a
14 defendant of such an offer.

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