

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, except:

25 1. If a defendant was previously offered admission to
26 a pretrial substance abuse education and treatment
27 intervention program at any time prior to trial and the
28 defendant rejected that offer on the record, then the court or
29 the state attorney may deny the defendant's admission to such
30 a program.
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1 2. If the state attorney believes that the facts and
2 circumstances of the case suggest the defendant's involvement
3 in the dealing and selling of controlled substances, the court
4 shall hold a preadmission hearing. If the state attorney
5 establishes, by a preponderance of the evidence at such
6 hearing, that the defendant was involved in the dealing or
7 selling of controlled substances, the court shall deny the
8 defendant's admission into a pretrial intervention program.

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

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