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An act relating to pretrial intervention programs; amending s. 948.08, F.S.; authorizing the court to deny the admission of a defendant to a pretrial substance-abuse education and treatment intervention program if the defendant has rejected any prior offer of admission to such program; providing an effective date.

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

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

948.08 Pretrial intervention program.--

(6)(a) Notwithstanding any provision of this section, a person who is charged with a felony of the second or third degree for purchase or possession of a controlled substance under chapter 893, and who has not previously been convicted of a felony nor been admitted to a pretrial program referred to in this section, is eligible for admission into a pretrial substance abuse education and treatment intervention program approved by the chief judge of the circuit, for a period of not less than 1 year in duration, upon motion of either party or the court's own motion, except:

1. If a defendant was previously offered admission to a pretrial substance abuse education and treatment intervention program at any time prior to trial and the defendant rejected that offer on the record, then the court or the state attorney may deny the defendant's admission to such a program.

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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