

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Trovillion offered the following:

13 **Amendment**

14 On page 6, lines 9-31 and page 7, lines 1-4
15 remove from the bill: all of said lines

17 and insert in lieu thereof: (6)(a) Notwithstanding any
18 provision of this section, a person who is charged with a
19 felony of the second or third degree for purchase or
20 possession of a controlled substance under chapter 893,
21 tampering with evidence, solicitation for purchase, obtaining
22 a prescription by fraud, and who has not been charged with a
23 crime, involving violence, including but not limited to,
24 murder, sexual battery, robbery, car jacking, home-invasion
25 robbery, or any other crime involving violence and who has not
26 previously been convicted of a felony nor been admitted to a
27 felony pretrial program referred to in this section, is
28 eligible for admission into a pretrial substance abuse
29 education and treatment intervention program approved by the
30 chief judge of the circuit, for a period of not less than 1
31 year in duration, upon motion of either party or the courts

Amendment No. 1 (for drafter's use only)

1 own motion, except:

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

8 2. If the state attorney believes that the facts and
9 circumstances of the case suggest the defendant's involvement
10 in the dealing and selling of controlled substances, the court
11 shall hold a preadmission hearing. If the state attorney
12 establishes, by a preponderance of the evidence at such
13 hearing, that the defendant was involved in the dealing or
14 selling of controlled substances, the court shall deny the
15 defendant's admission into a pretrial intervention program.

16 (7) The chief judge in each circuit may appoint an
17 advisory committee for the pretrial intervention program
18 composed of the chief judge or his or her designee, who shall
19 serve as chair; the state attorney, the public defender, and
20 the program administrator, or their designees; and such other
21 persons as the chair deems appropriate. The advisory
22 committee may not designate any defendant eligible for a
23 pretrial intervention program for any offense not listed under
24 section 948.08(6)(a) without the state attorney's
25 recommendation and approval. The committee may also include
26 persons representing any other agencies to which persons
27 released to the pretrial intervention program may be referred.

28
29
30
31