

Bill No. CS for CS for SB 912

Amendment No.      Barcode 410826

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

·  
·  
·  
·  
·  
·

---

--	--	--

---

Senator Burt moved the following amendment:

**Senate Amendment (with title amendment)**

On page 32, line 28, through  
page 33, line 29, delete those lines

and insert:

Section 15. Paragraph (a) of subsection (6) and  
subsection (7) of section 948.08, Florida Statutes, are  
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, tampering with evidence, solicitation for  
purchase of a controlled substance, or obtaining a  
prescription by fraud; who has not been charged with a crime  
involving violence, including, but not limited to, murder,  
sexual battery, robbery, carjacking, home-invasion robbery, or  
any other crime involving violence;and who has not previously  
been convicted of a felony nor been admitted to a felony

Bill No. CS for CS for SB 912

Amendment No. \_\_\_\_ Barcode 410826

1 pretrial program referred to in this section, is eligible for  
2 admission into a pretrial substance abuse education and  
3 treatment intervention program approved by the chief judge of  
4 the circuit, for a period of not less than 1 year in duration,  
5 upon motion of either party or the court's own motion, except:

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

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

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

Bill No. CS for CS for SB 912

Amendment No. \_\_\_\_ Barcode 410826

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3           On page 2, line 20, after the semicolon,

4

5 insert:

6           providing requirements for a defendant to be

7           designated as eligible for a pretrial

8           intervention program;

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31