

By Senator Miller

21-113C-02

1 A bill to be entitled
2 An act relating to drug offenders; requiring
3 that the court place certain first-time,
4 nonviolent offenders convicted of possessing
5 cannabis or other controlled substances into
6 drug-offender probation; providing that the
7 court may place a nonviolent offender into
8 drug-offender probation or sentence the
9 offender to a term of incarceration following a
10 second conviction of such drug possession;
11 providing for revocation of probation and
12 imposition of sentence if the offender violates
13 the terms and conditions of drug-offender
14 probation; providing an effective date.

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

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18 Section 1. Certain nonviolent drug offenders sentenced
19 to drug-offender probation.--

20 (1)(a) If a nonviolent offender is convicted a first
21 time of possessing cannabis or possessing not more than 10
22 grams of any other controlled substance specified in section
23 893.03, Florida Statutes, the court shall place the offender
24 on drug-offender probation as provided in section 948.01,
25 Florida Statutes. The period of probation shall be determined
26 by the court, with the advice of the treatment facility.

27 (b) If a nonviolent offender is convicted a second
28 time of possessing cannabis or possessing not more than 10
29 grams of any other controlled substance specified in section
30 893.03, Florida Statutes, the court may place the offender on
31 drug-offender probation as provided in section 948.01, Florida

1 Statutes, or the court may sentence the offender to a term of
2 incarceration as otherwise provided by law.

3 (2) An offender placed on drug-offender probation is
4 subject to revocation of probation, as provided in section
5 948.06, Florida Statutes, and the court may impose any
6 sentence that it could have imposed at the time the offender
7 was placed on drug-offender probation.

8 Section 2. This act shall take effect July 1, 2002.

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11 SENATE SUMMARY

12 Requires that the court place a nonviolent offender into
13 drug-offender probation if the offender is convicted a
14 first time of possessing cannabis or not more than 10
15 grams of any other controlled substance. If a nonviolent
16 offender is convicted of such drug possession a second
17 time, authorizes the court to place the offender in
18 drug-offender probation or sentence the offender to a
19 term of incarceration. Provides for revocation of
20 probation and imposition of sentence if the offender
21 violates the terms and conditions of drug-offender
22 probation.
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