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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2010	.	
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The Committee on Criminal Justice (Deutch) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 948.16, Florida Statutes, is amended to read:

948.16 Misdemeanor pretrial substance abuse education and treatment intervention program.—

(1) (a) A person who is charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under chapter 893, and who has not previously been convicted of a



13 felony ~~nor been admitted to a pretrial program~~, is eligible for  
14 voluntary admission into a misdemeanor pretrial substance abuse  
15 education and treatment intervention program, including a  
16 treatment-based drug court program established pursuant to s.  
17 397.334, approved by the chief judge of the circuit, for a  
18 period based on the program requirements and the treatment plan  
19 for the offender, upon motion of either party or the court's own  
20 motion, except, if the state attorney believes the facts and  
21 circumstances of the case suggest the defendant is involved in  
22 dealing and selling controlled substances, the court shall hold  
23 a preadmission hearing. If the state attorney establishes, by a  
24 preponderance of the evidence at such hearing, that the  
25 defendant was involved in dealing or selling controlled  
26 substances, the court shall deny the defendant's admission into  
27 the pretrial intervention program.

28 Section 2. This act shall take effect July 1, 2010.

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

32 And the title is amended as follows:

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34 Delete everything before the enacting clause  
35 and insert:

36 A bill to be entitled

37 An act relating to misdemeanor pretrial substance  
38 abuse programs; amending s. 948.16, F.S.; providing  
39 that a person who has previously been admitted to a  
40 pretrial program may qualify for the program;  
41 providing an effective date.