

By Senator Ring

32-01783-10

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1 A bill to be entitled
 2 An act relating to the misdemeanor pretrial substance
 3 abuse education and treatment intervention program;
 4 amending s. 948.16, F.S.; including any misdemeanor
 5 criminal charge under ch. 893, F.S., as a qualifying
 6 offense for the voluntary admission of a defendant
 7 into the program; removing as a disqualifying
 8 criterion a defendant's previous admission to the
 9 program; providing an effective date.

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

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 13 Section 1. Paragraph (a) of subsection (1) of section
 14 948.16, Florida Statutes, is amended to read:

15 948.16 Misdemeanor pretrial substance abuse education and
 16 treatment intervention program.—

17 (1) (a) A person who is charged with a misdemeanor for
 18 possession of a controlled substance, possession of ~~or~~ drug
 19 paraphernalia, or any other misdemeanor charge under chapter
 20 893, and who has not previously been convicted of a felony ~~nor~~
 21 ~~been admitted to a pretrial program~~, is eligible for voluntary
 22 admission into a misdemeanor pretrial substance abuse education
 23 and treatment intervention program, including a treatment-based
 24 drug court program established pursuant to s. 397.334, approved
 25 by the chief judge of the circuit, for a period based on the
 26 program requirements and the treatment plan for the offender,
 27 upon motion of either party or the court's own motion, except,
 28 if the state attorney believes the facts and circumstances of
 29 the case suggest the defendant is involved in dealing and

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30 selling controlled substances, the court shall hold a
31 preadmission hearing. If the state attorney establishes, by a
32 preponderance of the evidence at such hearing, that the
33 defendant was involved in dealing or selling controlled
34 substances, the court shall deny the defendant's admission into
35 the pretrial intervention program.

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