

By the Committee on Criminal Justice; and Senator Ring

591-03243-10

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1                   A bill to be entitled  
2           An act relating to misdemeanor pretrial substance  
3           abuse programs; amending s. 948.16, F.S.; providing  
4           that a person who has previously been admitted to a  
5           pretrial program may qualify for the program;  
6           providing an effective date.

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

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10           Section 1. Paragraph (a) of subsection (1) of section  
11   948.16, Florida Statutes, is amended to read:

12           948.16 Misdemeanor pretrial substance abuse education and  
13   treatment intervention program.—

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

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30 substances, the court shall deny the defendant's admission into  
31 the pretrial intervention program.

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