

HB 4035

2011

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

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29 | defendant was involved in dealing or selling controlled  
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, 2011.