

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 177 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Porth offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 251-297 and insert:

6 (8) (a) The department shall submit a report to the
7 sentencing court at least 30 days before the nonviolent offender
8 is scheduled to complete the reentry program. The report must
9 describe the offender's performance in the reentry program and
10 certify whether the performance is satisfactory. The court may
11 schedule a hearing to consider any modification to the imposed
12 sentence. Notwithstanding the eligibility criteria contained in
13 s. 948.20, if the offender's performance is satisfactory to the
14 department and the court, the court shall issue an order
15 modifying the sentence imposed and placing the offender on drug
16 offender probation, as defined in s. 948.20(2), subject to the
17 department's certification of the offender's successful
18 completion of the remainder of the reentry program. The term of
19 drug offender probation must not be less than the remainder of

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20 time that the offender would have served in prison, but for
21 participating in the program. A condition of drug offender
22 probation may include placement in a community residential or
23 nonresidential licensed substance abuse treatment facility under
24 the jurisdiction of the department or the Department of Children
25 and Family Services or any public or private entity providing
26 such services. The order shall include findings that the
27 offender's performance is satisfactory, the requirements for
28 resentencing under this section are satisfied, and that the
29 public safety will not be compromised. If the nonviolent
30 offender violates the conditions of drug offender probation, the
31 court may revoke probation and impose any sentence that it might
32 have originally imposed. No offender may be released from the
33 custody of the department under this section except pursuant to
34 a judicial order modifying a sentence.

35 (b) If an offender being released pursuant to paragraph
36 (a) intends to reside in a county that has established a
37 postadjudicatory drug court program as described in s. 397.334,
38 the sentencing court may require the offender to successfully
39 complete the postadjudicatory drug court program as a condition
40 of drug offender probation. The original sentencing court shall
41 relinquish jurisdiction of the offender's case to the
42 postadjudicatory drug court program until the offender is no
43 longer active in the program, the case is returned to the
44 sentencing court due to the offender's termination from the
45 program for failure to comply with the terms thereof, or the
46 offender's sentence is completed. If transferred to a

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47 postadjudicatory drug court program, the offender shall comply
48 with all conditions and orders of the program.

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

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Remove lines 46-50 and insert:

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addressed in the report; providing a court may schedule a

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hearing to consider any modifications to an imposed sentence;

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requiring the sentencing court to issue an order modifying the

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sentence imposed and placing the nonviolent offender on drug

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offender probation if the nonviolent offender's performance is

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satisfactory;

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