

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 is charged with a nonviolent,
 5 nontraffic-related misdemeanor and identified as
 6 having a substance abuse problem or a person who is
 7 charged with certain other designated misdemeanor
 8 offenses, and who has not previously been convicted of
 9 a felony, may qualify for participation in a
 10 misdemeanor pretrial substance abuse program;
 11 providing an effective date.

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

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 15 Section 1. Paragraph (a) of subsection (1) of section
 16 948.16, Florida Statutes, is amended to read:

17 948.16 Misdemeanor pretrial substance abuse education and
 18 treatment intervention program.—

19 (1) (a) A person who is charged with a nonviolent,
 20 nontraffic-related misdemeanor and identified as having a
 21 substance abuse problem or a person who is charged with a
 22 misdemeanor for possession of a controlled substance or drug
 23 paraphernalia under chapter 893, prostitution under s. 796.07,
 24 possession of alcohol while under 21 years of age, or possession
 25 of a controlled substance without a valid prescription under s.
 26 499.03(2) or (3), and who has not previously been convicted of a
 27 felony ~~nor been admitted to a pretrial program,~~ is eligible for
 28 voluntary admission into a misdemeanor pretrial substance abuse

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29 | education and treatment intervention program, including a
30 | treatment-based drug court program established pursuant to s.
31 | 397.334, approved by the chief judge of the circuit, for a
32 | period based on the program requirements and the treatment plan
33 | for the offender, upon motion of either party or the court's own
34 | motion, except, if the state attorney believes the facts and
35 | circumstances of the case suggest the defendant is involved in
36 | dealing and selling controlled substances, the court shall hold
37 | a preadmission hearing. If the state attorney establishes, by a
38 | preponderance of the evidence at such hearing, that the
39 | defendant was involved in dealing or selling controlled
40 | substances, the court shall deny the defendant's admission into
41 | the pretrial intervention program.

42 | Section 2. This act shall take effect July 1, 2012.