

By Senator Ring

32-00031B-12

2012186\_\_

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.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
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  
29           education and treatment intervention program, including a

32-00031B-12

2012186\_\_

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.