

By the Committee on Judiciary; and Senators Ring and Bogdanoff

590-00673-12

2012186c1

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 who is charged
 7 with certain other designated misdemeanor offenses,
 8 and who has not previously been convicted of a felony,
 9 may qualify for participation in a misdemeanor
 10 pretrial substance abuse program; providing an
 11 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 who is charged with a misdemeanor for
 22 possession of a controlled substance or drug paraphernalia under
 23 chapter 893, prostitution under s. 796.07, possession of alcohol
 24 while under 21 years of age under s. 562.111, or possession of a
 25 controlled substance without a valid prescription under s.
 26 499.03, and who has not previously been convicted of a felony
 27 ~~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

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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.