

1                                   A bill to be entitled  
 2           An act relating to sentencing for possession of a  
 3           controlled substance; amending s. 775.082, F.S.;  
 4           requiring that a court sentence a defendant who is  
 5           convicted of a primary offense of possession of a  
 6           controlled substance committed on or after a specified  
 7           date to a nonstate prison sanction under certain  
 8           circumstances; defining the term "possession of a  
 9           controlled substance"; providing an effective date.

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

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 13           Section 1. Subsection (11) of section 775.082, Florida  
 14   Statutes, is renumbered as subsection (12), and a new subsection  
 15   (11) is added to that section to read:

16           775.082 Penalties; applicability of sentencing structures;  
 17   mandatory minimum sentences for certain reoffenders previously  
 18   released from prison.—

19           (11) If a defendant is sentenced for a primary offense of  
 20   possession of a controlled substance committed on or after  
 21   October 1, 2017, and if the total sentence points pursuant to s.  
 22   921.0024 are 60 points or fewer, the court must sentence the  
 23   offender to a nonstate prison sanction. However, if the court  
 24   makes written findings that a nonstate prison sanction could  
 25   present a danger to the public, the court may sentence the

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26 | offender to a state correctional facility pursuant to this  
27 | section. As used in this subsection, the term "possession of a  
28 | controlled substance" means possession of a controlled substance  
29 | in violation of s. 893.13, but does not include possession with  
30 | intent to sell, manufacture, or deliver a controlled substance  
31 | or possession of a controlled substance in violation of s.  
32 | 893.135.

33 | Section 2. This act shall take effect October 1, 2017.