

Florida Drug Statute Declared Unconstitutional - What This Could Mean for You

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Florida's passed the Comprehensive Drug Abuse Prevention and Control Act in 2002 that eliminated criminal intent as an element of the crime. Florida is the only state to eliminate criminal intent. A federal judge has now declared this drug statute as unconstitutional saying that criminal intent is not required to be proven by prosecutors.

Florida's Drug Crimes

According to an article in the [Palm Beach Post](#), U.S. District Judge Mary S. Scriven used the example of a student who hides his cocaine in a friend's backpack without telling him. The friend has no idea it was there but is still guilty of possession due to the Florida statute, even if he had no intent to possess it or didn't know it was there.

Judge Scriven stated that elimination of the intent element is "atavistic and repugnant to the common law."

If this declaration of the act as unconstitutional is upheld on appeal, the decision could place hundreds or even thousands of drug convictions in jeopardy.

Comments from several prosecutors and [criminal defense lawyers](#) from around the country are praising the ruling. However, the impact of this new decision on past convictions will not be clear until the appeal is upheld. According to the Post, The National Association of Criminal Defense Lawyers, the American Civil Liberties Union and dozens of law professor filed briefs in the case. The ruling has created a major buzz among criminal defense lawyers across the state.

Nellie King, president of the Florida Association of Criminal Defense Lawyers, said:

"Judge Scriven's ruling simply renews the mandates inherent in the Constitution which our legislature opted to ignore."

The state is expected to appeal Scriven's ruling.

Criminal Defense

If you have been [charged with drug possession](#), you need to [contact a criminal defense lawyer](#) immediately. These changes in legislation are going to significantly impact the possibility of a conviction. A criminal defense lawyer is knowledgeable about this situation and can help you devise a strategy for the best possible outcome.

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