



THE FLORIDA SENATE
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Senator Bradley Files the Tristin Murphy Act

Legislation expands mental health diversion options within Florida's criminal justice system

Tallahassee—Senator Jennifer Bradley (R-Fleming Island) today filed SB 168, the Tristin Murphy Act, which creates model processes for diverting defendants to mental health treatment. The legislation is named after Tristin Murphy who tragically took his own life in a Florida prison in 2021.

“Tristin was a young father with supportive, loving parents and a bright future ahead of him. He was not a hardened criminal. He was sick and needed help to address serious mental health challenges,” said Senate President Ben Albritton (R-Wauchula). “Tristin’s parents have been so brave to tell his story and advocate for improvements to the way offenders with a mental health challenge are treated within the criminal justice system. Learning about Tristin’s story and spending time with his parents, Cindee and Dennis, had a tremendous impact on me. We are proud to move this bill forward with their support.”

“We know certain defendants who have a mental illness, intellectual disability or autism would be better served through community services rather than jail time. There is more we can do to support law enforcement agencies who offer crisis intervention training and diversion for offenders with a mental health challenge,” said Senator Bradley. “If someone commits a serious, violent crime, they need to be incarcerated for public safety. This bill provides a different path for less serious crimes where the defendant, their family, and the community would be better served by allowing the defendant to receive the necessary mental health treatment.”

Establishes Probation Conditions For Defendants With Mental Illness

The bill requires a defendant who was found incompetent and later regains competency to have a mental health evaluation and follow recommendations if the defendant is sentenced to probation.

Sets Requirements For Work Assignments And Programs

Requires the Department of Corrections to evaluate the physical and mental health of each inmate eligible for work assignments or a correctional work program and document approval of eligibility.

Expands Training Options Under the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program

The bill expands the use of grants to support specialized training for 911 operators and EMT's to identify which response team is most appropriate under the circumstances. Fiscally-constrained counties who receive such grants are not required to provide local matching funds.

A community that wants to establish a misdemeanor or ordinance violation mental health diversion program to divert clinically appropriate defendants from jails to treatment is encouraged to apply for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program for the purpose of obtaining funds to plan, implement, or expand mental health diversion programs.

Creates Model Processes for Diverting Defendants to Mental Health Treatment

Within 24 hours after a defendant is booked, he or she may be screened for mental illness. If the defendant meets criteria for involuntary examination, he or she must be transferred to a receiving facility. If the defendant has a mental illness, but does not meet criteria for involuntary treatment, he or she must be assessed for outpatient treatment. Any discharge plan or treatment plan that results from such an evaluation must be forwarded to the court, which may consider releasing a defendant on his own recognizance with the condition that the defendant comply with such plan as a part of his or her release. Upon the completion of all treatment, the state attorney has discretion to dismiss the charges.

The bill also provides a model process for diverting certain felony defendants with mental health concerns. If there is an indication of mental illness, the state attorney may recommend the defendant be screened to determine if there is an indication of mental illness. Such evaluation must be forwarded to the state attorney, and defense. If the defendant meets criteria, the state attorney may offer pretrial felony mental health diversion. Upon entry into the program, the defendant must complete all treatment recommendations and upon completion of all treatment recommendations, the state attorney has the discretion to dismiss the charges.

This process may be modified according to each community's particular resources. The local sheriff's department, the state attorney, the public defender, the court, and local treatment providers may collaborate to establish policies and procedures to meet the specific needs of each community and to develop a form that a defendant must sign to consent to treatment. A consent form must include the defendant's consent to treatment and to the release of any records necessary to demonstrate compliance with and completion of treatment.

Creates Plan For Continued Improvement In Florida's Behavioral Health System Of Care

The bill establishes the Florida Behavioral Health Data Repository at the Northwest Florida Regional Data Center (NWRDC) at Florida State University to collect and analyze statewide behavioral health care data. The goal of the repository is to better understand the scope of and trends in behavioral health services, spending, and outcomes to improve patient care and enhance the efficiency and effectiveness of behavioral health services. Analysis will help lawmakers better understand the scope of, trends in, and relationship between behavioral health, criminal

justice, incarceration, and the use of behavioral health services as a diversion from incarceration for individuals with mental illness.

About Tristin Murphy

Tristin Murphy tragically took his own life in a Florida prison in 2021. His story was the subject of the CBS News Miami documentary, "[Warehoused: The Life and Death of Tristin Murphy](#)," which raised awareness regarding the need for additional treatment options for mentally ill defendants in the criminal justice system.

For more information, please visit www.FLSenate.gov.

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