



933012

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: WD	.	
4/21/2008	.	
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	.	

1 The Committee on Criminal Justice (King) recommended the
2 following **amendment**:

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4 **Senate Amendment (with title amendments)**

5 Between line(s) 57 and 58,
6 insert:

7 Section 3. Paragraph (a) of subsection (2) of section
8 916.302, Florida Statutes, is amended to read:

9 916.302 Involuntary commitment of defendant determined to
10 be incompetent to proceed.--

11 (2) ADMISSION TO A FACILITY.--

12 (a) A defendant who has been charged with a felony and who
13 is found to be incompetent to proceed due to retardation or
14 autism, and who meets the criteria for involuntary commitment to
15 the agency under the provisions of this chapter, shall be
16 committed to the agency, and the agency shall retain and provide
17 appropriate training for the defendant. Within ~~No later than~~ 6



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18 months after the date of admission or at the end of any period of
19 extended commitment or at any time the administrator or designee
20 ~~shall~~ have determined that the defendant has regained competency
21 to proceed or no longer meets the criteria for continued
22 commitment, the administrator or designee shall file a report
23 with the court pursuant to this chapter and the applicable
24 Florida Rules of Criminal Procedure. The sheriff shall transport
25 the defendant to the county jail within 15 days after the court
26 receives the report from the agency declaring that the defendant
27 is competent to proceed or no longer meets the criteria for
28 continued commitment. A competency hearing must be held within 30
29 days after the court receives the report.

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31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 On line(s) 8, after the semicolon,
34 insert:

35 amending s. 916.302, F.S.; requiring the sheriff to
36 transport a defendant who has been found incompetent to
37 proceed to the court for a subsequent hearing on
38 competency following training; providing timeframes for
39 holding the hearing and for transporting the defendant;