

By Senator Bennett

21-00250-11

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1                   A bill to be entitled  
2           An act relating to military veterans convicted of  
3           criminal offenses; creating s. 921.00242, F.S.;  
4           providing that persons convicted of criminal offenses  
5           who allege that the offenses resulted from  
6           posttraumatic stress disorder, substance abuse, or  
7           psychological problems stemming from service in a  
8           combat theater in the United States military may have  
9           a hearing on that issue before sentencing; providing  
10          that defendants found to have committed offenses due  
11          to such causes and who are otherwise eligible for  
12          probation or community control may be placed in  
13          treatment programs for an equal period of time in  
14          certain circumstances; providing for sentence credit  
15          for such defendants placed in treatment; providing a  
16          preference for treatment programs with histories of  
17          successfully treating such combat veterans; providing  
18          an effective date.

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

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22           Section 1. Section 921.00242, Florida Statutes, is created  
23 to read:

24           921.00242 Convicted military veterans; posttraumatic stress  
25 disorder, substance abuse, or psychological problems from  
26 service; treatment services.-

27           (1) In the case of any person convicted of a criminal  
28 offense who would otherwise be sentenced to county jail or the  
29 state correctional system and who alleges that he or she

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30 committed the offense as a result of posttraumatic stress  
31 disorder, substance abuse, or psychological problems stemming  
32 from service in a combat theater in the United States military,  
33 the court shall, before sentencing, hold a hearing to determine  
34 whether the defendant was a member of the military forces of the  
35 United States who served in combat and shall assess whether the  
36 defendant suffers from posttraumatic stress disorder, substance  
37 abuse, or psychological problems as a result of that service.

38 (2) If the court concludes that a defendant convicted of a  
39 criminal offense is a person described in subsection (1), and if  
40 the defendant is otherwise eligible for probation or community  
41 control and the court places the defendant on probation or  
42 community control, the court may order the defendant into a  
43 local, state, federal, or private nonprofit treatment program  
44 for a period not to exceed that which the defendant would have  
45 served in the state correctional system or county jail, provided  
46 the defendant agrees to participate in the program and the court  
47 determines that an appropriate treatment program exists.

48 (3) A defendant granted probation or community control  
49 under this section and committed to a residential treatment  
50 program shall earn sentence credits for the actual time he or  
51 she served in residential treatment.

52 (4) The court, in making an order under this section to  
53 commit a defendant to an established treatment program, shall  
54 give preference to a treatment program that has a history of  
55 successfully treating combat veterans who suffer from  
56 posttraumatic stress disorder, substance abuse, or psychological  
57 problems as a result of that service.

58 Section 2. This act shall take effect July 1, 2011.