

By Senator Wise

5-01507-11

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1 A bill to be entitled

2 An act relating to mentally deficient and mentally ill
3 defendants; amending s. 916.106, F.S.; defining the
4 term "traumatic brain injury"; revising the definition
5 of the term "mental illness"; providing an effective
6 date.

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

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10 Section 1. Subsection (13) of section 916.106, Florida
11 Statutes, is amended, and subsection (18) is added to that
12 section, to read:

13 916.106 Definitions.—For the purposes of this chapter, the
14 term:

15 (13) "Mental illness" means an impairment of the emotional
16 processes that exercise conscious control of one's actions, or
17 of the ability to perceive or understand reality, which
18 impairment substantially interferes with a defendant's ability
19 to meet the ordinary demands of living and includes traumatic
20 brain injury. For the purposes of this chapter, the term does
21 not apply to defendants with only mental retardation or autism
22 and does not include intoxication or conditions manifested only
23 by antisocial behavior or substance abuse impairment.

24 (18) "Traumatic brain injury" means a form of acquired
25 brain injury that occurs when a sudden trauma causes damage to
26 the brain and a severe change in emotional, behavioral, and
27 cognitive functions.

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