

1                   A bill to be entitled  
2       An act relating to veterans and servicemembers;  
3       providing a short title; creating s. 394.48, F.S.;  
4       authorizing the chief judge of each judicial circuit  
5       to establish a Military Veterans and Servicemembers  
6       Court Program for specified veterans and  
7       servicemembers; providing criteria for entry into the  
8       program; creating s. 948.21, F.S.; authorizing a judge  
9       to impose a condition of supervision upon specified  
10      probationers and community controllees requiring such  
11      person to participate in a treatment program;  
12      requiring the court to give preference to certain  
13      treatment programs; providing that the Department of  
14      Corrections is not required to spend state funds to  
15      implement these provisions; providing an effective  
16      date.

17  
18       WHEREAS, Florida has the third largest population of  
19      veterans in the nation with more than 1.6 million, and

20       WHEREAS, Florida has historically honored the noble  
21      sacrifices that veterans and members of the military have made  
22      to protect our freedoms by providing them certain benefits and  
23      rehabilitative services, and

24       WHEREAS, studies have shown that military service may exact  
25      a tremendous psychological toll on veterans and members of the  
26      military who are faced with the constant threat of death or  
27      injury over an extended period of time, and

28 WHEREAS, research has shown that a significant number of  
 29 veterans and members of the military will suffer, as a result of  
 30 their military service, mental health problems, such as post-  
 31 traumatic stress disorder, traumatic brain injury, depression,  
 32 anxiety, and acute stress, and

33 WHEREAS, such military service-related mental health  
 34 problems, including the use of drugs and alcohol to cope with  
 35 such problems, can lead to encounters with the criminal justice  
 36 system that would not have occurred without the military  
 37 service-related mental health problem, and

38 WHEREAS, as a grateful state, we must continue to honor the  
 39 military service of our men and women by attempting to provide  
 40 them with an alternative to incarceration when feasible,  
 41 permitting them instead to access proper treatment for mental  
 42 health and substance abuse problems resulting from military  
 43 service, and

44 WHEREAS, therefore, the Legislature finds that it is in the  
 45 best interests of Florida citizens to assist veterans and  
 46 members of the military involved in the criminal justice system  
 47 who have a military service-related mental health problem, NOW,  
 48 THEREFORE,

49  
 50 Be It Enacted by the Legislature of the State of Florida:

51  
 52 Section 1. This act may be cited as the "T. Patt Maney  
 53 Military Veterans and Servicemembers Court Act."

54 Section 2. Section 394.48, Florida Statutes, is created to  
 55 read:

56           394.48 Military veterans and servicemembers court  
57 programs.—The chief judge of each judicial circuit may establish  
58 a Military Veterans and Servicemembers Court Program under which  
59 veterans, as defined in s. 1.01, and servicemembers, as defined  
60 in s. 250.01, who are convicted of a criminal offense and who  
61 suffer from a mental illness, traumatic brain injury, or  
62 substance abuse disorder as a result of their military service  
63 can be sentenced in accordance with chapter 921 in a manner that  
64 appropriately addresses the severity of the mental illness,  
65 traumatic brain injury, or substance abuse disorder through  
66 services tailored to the individual needs of the participant.  
67 Entry into any Military Veterans and Servicemembers Court  
68 Program must be based upon the sentencing court's assessment of  
69 the defendant's criminal history, military service, substance  
70 abuse treatment needs, mental health treatment needs,  
71 amenability to the services of the program, the recommendation  
72 of the state attorney and the victim, if any, and the  
73 defendant's agreement to enter the program.

74           Section 3. Section 948.21, Florida Statutes, is created to  
75 read:

76           948.21 Condition of probation or community control;  
77 military servicemembers and veterans.—Effective for a  
78 probationer or community controllee whose crime was committed on  
79 or after July 1, 2012, and who is a servicemember, as defined in  
80 s. 250.01, or veteran, as defined in s. 1.01, who suffers from a  
81 military service-related mental illness, traumatic brain injury,  
82 or substance abuse disorder, the court may, in addition to any  
83 other conditions imposed, impose a condition requiring the

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84 probationer or community controllee to participate in a  
85 treatment program capable of treating the probationer or  
86 community controllee's mental illness, traumatic brain injury,  
87 or substance abuse disorder. The court shall give preference to  
88 treatment programs for which the probationer or community  
89 controllee is eligible through the United States Department of  
90 Veterans Affairs or the Florida Department of Veterans' Affairs.  
91 The Department of Corrections is not required to spend state  
92 funds to implement this section.

93       Section 4. This act shall take effect July 1, 2012.