



217934

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2013	.	
	.	
	.	
	.	

The Committee on Health Policy (Sobel) recommended the following:

Senate Amendment

Delete lines 134 - 147
and insert:
(Substantial rewording of section. See s. 916.145, F.S., for present text.)

916.145 Dismissal of charges.—

(1) The charges against any defendant adjudicated incompetent to proceed due to mental illness shall be dismissed without prejudice to the state if the defendant remains incompetent to proceed:

(a) 3 years after such determination; or



217934

13 (b) 5 years after such determination if the charge related
14 to commitment is:

- 15 1. Arson;
16 2. Sexual Battery;
17 3. Robbery;
18 4. Kidnapping;
19 5. Aggravated child abuse;
20 6. Aggravated abuse of an elderly person or disabled adult;
21 7. Aggravated assault with a deadly weapon;
22 8. Murder;
23 9. Manslaughter;
24 10. Aggravated manslaughter of an elderly person or
25 disabled adult;
26 11. Aggravated manslaughter of a child;
27 12. Unlawful throwing, placing or discharging of a
28 destructive device or bomb;
29 13. Armed burglary;
30 14. Aggravated battery; or
31 15. Aggravated stalking.

32
33 Unless the court, in an order, specifies reasons for
34 believing that the defendant will become competent to proceed,
35 and specifies a reasonable time within which the defendant is
36 expected to become competent.

37 (2) Nothing in this section of law shall be construed to
38 prohibit the state from refiling dismissed charges, should the
39 defendant be declared to be competent to proceed in the future.
40