

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Children, Families &
2 Seniors Subcommittee
3 Representative Peters offered the following:

Amendment (with title amendment)

Between lines 129 and 130, insert:

7 Section 3. Section 916.145, Florida Statutes, is amended to
8 read:

9 (Substantial rewording of section. See
10 s. 916.145, F.S., for present text.)
11 916.145 Dismissal of charges.—

12 (1) The charges against a defendant adjudicated incompetent
13 to proceed due to mental illness shall be dismissed without
14 prejudice to the state if the defendant remains incompetent to
15 proceed 5 continuous uninterrupted years after such
16 determination, unless the court in its order specifies its
17 reasons for believing that the defendant will become competent

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18 to proceed within the foreseeable future and specifies the time
19 within which the defendant is expected to become competent to
20 proceed. The court may dismiss such charges at least 3 and no
21 more than 5 years after such determination, unless the charge
22 is:

23 (a) Arson;

24 (b) Sexual battery;

25 (c) Robbery;

26 (d) Kidnapping;

27 (e) Aggravated child abuse;

28 (f) Aggravated abuse of an elderly person or disabled

29 adult;

30 (g) Aggravated assault with a deadly weapon;

31 (h) Murder;

32 (i) Manslaughter;

33 (j) Aggravated manslaughter of an elderly person or
34 disabled adult;

35 (k) Aggravated manslaughter of a child;

36 (l) Unlawful throwing, projecting, placing, or discharging
37 of a destructive device or bomb;

38 (m) Armed burglary;

39 (n) Aggravated battery;

40 (o) Aggravated stalking;

41 (p) A forcible felony as defined in s. 776.08 and not
42 listed elsewhere in this subsection;

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43 (q) An offense involving the possession, use, or discharge
44 of a firearm;

45 (r) An attempt to commit an offense listed in this
46 subsection;

47 (s) An offense allegedly committed by a defendant who has
48 had a forcible or violent felony conviction within the 5 years
49 preceding the date of arrest for the nonviolent felony sought to
50 be dismissed;

51 (t) An offense allegedly committed by a defendant who,
52 after having been found incompetent and under court supervision
53 in a community-based program, is formally charged by a State
54 Attorney with a new felony offense; or

55 (u) One for which there is an identifiable victim and such
56 victim has not consented to the dismissal.

57 (2) This section does not prohibit the state from refileing
58 dismissed charges if the defendant is declared to be competent
59 to proceed in the future.

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62 **T I T L E A M E N D M E N T**

63 Remove line 9 and insert:
64 the hearing; amending s. 916.145, F.S.; revising the time for
65 dismissal of certain charges for defendants that remain
66 incompetent to proceed to trial; providing exceptions; amending
67 s. 916.15, F.S.; providing a