



161052

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
	.	
	.	
	.	

---

The Committee on Criminal Justice (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 137 and 138

insert:

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

916.145 Dismissal of charges.—

(1) The charges against a any defendant adjudicated incompetent to proceed due to ~~the defendant's~~ mental illness shall be dismissed without prejudice to the state if the



161052

11 defendant remains incompetent to proceed 5 continuous  
12 uninterrupted years after such determination, unless the court in  
13 its order specifies its reasons for believing that the defendant  
14 will become competent to proceed within the foreseeable future  
15 and specifies the time within which the defendant is expected to  
16 become competent to proceed. The court may dismiss such charges  
17 at least 3 and no more than 5 years after such determination,

18 unless the charge is:

19 (a) Arson;

20 (b) Sexual battery;

21 (c) Robbery;

22 (d) Kidnapping;

23 (e) Aggravated child abuse;

24 (f) Aggravated abuse of an elderly person or disabled  
25 adult;

26 (g) Aggravated assault with a deadly weapon;

27 (h) Murder;

28 (i) Manslaughter;

29 (j) Aggravated manslaughter of an elderly person or  
30 disabled adult;

31 (k) Aggravated manslaughter of a child;

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

34 (m) Armed burglary;

35 (n) Aggravated battery;

36 (o) Aggravated stalking;

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

39 (q) An offense involving the possession, use, or discharge



161052

40 of a firearm;

41 (r) An attempt to commit an offense listed in this  
42 subsection;

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

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

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

53 (2) This section does not prohibit the state from refileing  
54 dismissed charges if the defendant is declared to be competent  
55 to proceed in the future ~~against the defendant are dismissed~~  
56 ~~without prejudice to the state to refile the charges should the~~  
57 ~~defendant be declared competent to proceed in the future.~~

58  
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete line 11

62 and insert:

63 specified time; amending s. 916.145, F.S.; revising  
64 the time for dismissal of certain charges for  
65 defendants that remain incompetent to proceed to  
66 trial; providing exceptions; amending s. 916.15, F.S.;  
67 requiring