

By Senator Gainer

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1                   A bill to be entitled  
2           An act relating to court-ordered treatment programs;  
3           amending s. 394.47891, F.S.; providing that veterans  
4           who were discharged or released under any condition,  
5           individuals who are current or former United States  
6           Department of Defense contractors, and individuals who  
7           are current or former military members of a foreign  
8           allied country are eligible in a certain Military  
9           Veterans and Servicemembers Court Program; amending s.  
10          948.08, F.S.; authorizing a person who is charged with  
11          a certain felony and identified as a veteran who is  
12          discharged or released under any condition, an  
13          individual who is a current or former United States  
14          Department of Defense contractor, or an individual who  
15          is a current or former military member of a foreign  
16          allied country to be eligible for voluntary admission  
17          into a pretrial veterans' treatment intervention  
18          program under certain circumstances; amending s.  
19          948.16, F.S.; authorizing a veteran who is discharged  
20          or released under any condition, an individual who is  
21          a current or former United States Department of  
22          Defense contractor, or an individual who is a current  
23          or former military member of a foreign allied country  
24          and who is charged with a misdemeanor to be eligible  
25          for voluntary admission into a misdemeanor pretrial  
26          veterans' treatment intervention program under certain  
27          circumstances; amending s. 948.21, F.S.; authorizing  
28          the court to impose a condition requiring a  
29          probationer or community controllee who is a veteran

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30 discharged or released under any condition, an  
31 individual who is a current or former United States  
32 Department of Defense contractor, or an individual who  
33 is a current or former military member of a foreign  
34 allied country to participate in a certain treatment  
35 program under certain circumstances; providing an  
36 effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 394.47891, Florida Statutes, is amended  
41 to read:

42 394.47891 Military veterans and servicemembers court  
43 programs.—The chief judge of each judicial circuit may establish  
44 a Military Veterans and Servicemembers Court Program under which  
45 veterans, as defined in s. 1.01; ~~including~~ veterans who were  
46 discharged or released under any condition; a general discharge,  
47 and servicemembers, as defined in s. 250.01; individuals who are  
48 current or former United States Department of Defense  
49 contractors; and individuals who are current or former military  
50 members of a foreign allied country, who are charged or  
51 convicted of a criminal offense, and who suffer from a military-  
52 related mental illness, traumatic brain injury, substance abuse  
53 disorder, or psychological problem can be sentenced in  
54 accordance with chapter 921 in a manner that appropriately  
55 addresses the severity of the mental illness, traumatic brain  
56 injury, substance abuse disorder, or psychological problem  
57 through services tailored to the individual needs of the  
58 participant. Entry into any Military Veterans and Servicemembers

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59 Court Program must be based upon the sentencing court's  
60 assessment of the defendant's criminal history, military  
61 service, substance abuse treatment needs, mental health  
62 treatment needs, amenability to the services of the program, the  
63 recommendation of the state attorney and the victim, if any, and  
64 the defendant's agreement to enter the program.

65 Section 2. Paragraph (a) of subsection (7) of section  
66 948.08, Florida Statutes, is amended to read:

67 948.08 Pretrial intervention program.—

68 (7) (a) Notwithstanding any provision of this section, a  
69 person who is charged with a felony, other than a felony listed  
70 in s. 948.06(8)(c), and identified as a veteran, as defined in  
71 s. 1.01; ~~including~~ a veteran who is discharged or released  
72 under any condition; a ~~general discharge~~, or servicemember, as  
73 defined in s. 250.01; an individual who is a current or former  
74 United States Department of Defense contractor; or an individual  
75 who is a current or former military member of a foreign allied  
76 country, who suffers from a military service-related mental  
77 illness, traumatic brain injury, substance abuse disorder, or  
78 psychological problem, ~~is~~ eligible for voluntary admission into  
79 a pretrial veterans' treatment intervention program approved by  
80 the chief judge of the circuit, upon motion of either party or  
81 the court's own motion, except:

82 1. If a defendant was previously offered admission to a  
83 pretrial veterans' treatment intervention program at any time  
84 before trial and the defendant rejected that offer on the  
85 record, the court may deny the defendant's admission to such a  
86 program.

87 2. If a defendant previously entered a court-ordered

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88 veterans' treatment program, the court may deny the defendant's  
89 admission into the pretrial veterans' treatment program.

90 Section 3. Paragraph (a) of subsection (2) of section  
91 948.16, Florida Statutes, is amended to read:

92 948.16 Misdemeanor pretrial substance abuse education and  
93 treatment intervention program; misdemeanor pretrial veterans'  
94 treatment intervention program; misdemeanor pretrial mental  
95 health court program.—

96 (2) (a) A veteran, as defined in s. 1.01~~;~~; including a  
97 veteran who is discharged or released under any condition; a  
98 ~~general discharge, or~~ servicemember, as defined in s. 250.01; an  
99 individual who is a current or former United States Department  
100 of Defense contractor; or an individual who is a current or  
101 former military member of a foreign allied country, who suffers  
102 from a military service-related mental illness, traumatic brain  
103 injury, substance abuse disorder, or psychological problem, and  
104 who is charged with a misdemeanor is eligible for voluntary  
105 admission into a misdemeanor pretrial veterans' treatment  
106 intervention program approved by the chief judge of the circuit,  
107 for a period based on the program's requirements and the  
108 treatment plan for the offender, upon motion of either party or  
109 the court's own motion. However, the court may deny the  
110 defendant admission into a misdemeanor pretrial veterans'  
111 treatment intervention program if the defendant has previously  
112 entered a court-ordered veterans' treatment program.

113 Section 4. Subsection (2) of section 948.21, Florida  
114 Statutes, is amended to read:

115 948.21 Condition of probation or community control;  
116 military servicemembers and veterans.—

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117 (2) Effective for a probationer or community controllee  
118 whose crime is committed on or after July 1, 2016, and who is a  
119 veteran, as defined in s. 1.01;~~including~~ a veteran who is  
120 discharged or released under any condition; a ~~general discharge,~~  
121 ~~or~~ servicemember, as defined in s. 250.01; an individual who is  
122 a current or former United States Department of Defense  
123 contractor; or an individual who is a current or former military  
124 member of a foreign allied country, who suffers from a military  
125 service-related mental illness, traumatic brain injury,  
126 substance abuse disorder, or psychological problem, the court  
127 may, in addition to any other conditions imposed, impose a  
128 condition requiring the probationer or community controllee to  
129 participate in a treatment program capable of treating the  
130 probationer or community controllee's mental illness, traumatic  
131 brain injury, substance abuse disorder, or psychological  
132 problem.

133 Section 5. This act shall take effect October 1, 2019.