

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Ponder offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 394.47891, Florida Statutes, is amended
8 to read:

9 394.47891 Military veterans and servicemembers court
10 programs.—The chief judge of each judicial circuit may establish
11 a Military Veterans and Servicemembers Court Program under which
12 veterans, as defined in s. 1.01, including veterans who were
13 discharged or released under a general discharge, and
14 servicemembers, as defined in s. 250.01; individuals who are
15 current or former United States Department of Defense
16 contractors; and individuals who are current or former military

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17 members of a foreign allied country, who are charged or
18 convicted of a criminal offense, and who suffer from a military-
19 related mental illness, traumatic brain injury, substance abuse
20 disorder, or psychological problem can be sentenced in
21 accordance with chapter 921 in a manner that appropriately
22 addresses the severity of the mental illness, traumatic brain
23 injury, substance abuse disorder, or psychological problem
24 through services tailored to the individual needs of the
25 participant. Entry into any Military Veterans and Servicemembers
26 Court Program must be based upon the sentencing court's
27 assessment of the defendant's criminal history, military
28 service, substance abuse treatment needs, mental health
29 treatment needs, amenability to the services of the program, the
30 recommendation of the state attorney and the victim, if any, and
31 the defendant's agreement to enter the program.

32 Section 2. Paragraph (a) of subsection (7) of section
33 948.08, Florida Statutes, is amended to read:

34 948.08 Pretrial intervention program.—

35 (7) (a) Notwithstanding any provision of this section, a
36 person who is charged with a felony, other than a felony listed
37 in s. 948.06(8)(c), and identified as a veteran, as defined in
38 s. 1.01, including a veteran who is discharged or released under
39 a general discharge, or servicemember, as defined in s. 250.01;
40 an individual who is a current or former United States
41 Department of Defense contractor; or an individual who is a

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42 current or former military member of a foreign allied country,
43 who suffers from a military service-related mental illness,
44 traumatic brain injury, substance abuse disorder, or
45 psychological problem, is eligible for voluntary admission into
46 a pretrial veterans' treatment intervention program approved by
47 the chief judge of the circuit, upon motion of either party or
48 the court's own motion, except:

49 1. If a defendant was previously offered admission to a
50 pretrial veterans' treatment intervention program at any time
51 before trial and the defendant rejected that offer on the
52 record, the court may deny the defendant's admission to such a
53 program.

54 2. If a defendant previously entered a court-ordered
55 veterans' treatment program, the court may deny the defendant's
56 admission into the pretrial veterans' treatment program.

57 Section 3. Paragraph (a) of subsection (2) of section
58 948.16, Florida Statutes, is amended to read:

59 948.16 Misdemeanor pretrial substance abuse education and
60 treatment intervention program; misdemeanor pretrial veterans'
61 treatment intervention program; misdemeanor pretrial mental
62 health court program.-

63 (2) (a) A veteran, as defined in s. 1.01, including a
64 veteran who is discharged or released under a general discharge,
65 or servicemember, as defined in s. 250.01; an individual who is
66 a current or former United States Department of Defense

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Published On: 3/25/2019 7:25:30 PM

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67 contractor; or an individual who is a current or former military
68 member of a foreign allied country, who suffers from a military
69 service-related mental illness, traumatic brain injury,
70 substance abuse disorder, or psychological problem, and who is
71 charged with a misdemeanor is eligible for voluntary admission
72 into a misdemeanor pretrial veterans' treatment intervention
73 program approved by the chief judge of the circuit, for a period
74 based on the program's requirements and the treatment plan for
75 the offender, upon motion of either party or the court's own
76 motion. However, the court may deny the defendant admission into
77 a misdemeanor pretrial veterans' treatment intervention program
78 if the defendant has previously entered a court-ordered
79 veterans' treatment program.

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

82 948.21 Condition of probation or community control;
83 military servicemembers and veterans.—

84 (2) Effective for a probationer or community controllee
85 whose crime is committed on or after July 1, 2016, and who is a
86 veteran, as defined in s. 1.01, including a veteran who is
87 discharged or released under a general discharge, or
88 servicemember, as defined in s. 250.01; an individual who is a
89 current or former United States Department of Defense
90 contractor; or an individual who is a current or former military
91 member of a foreign allied country, who suffers from a military

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92 service-related mental illness, traumatic brain injury,
93 substance abuse disorder, or psychological problem, the court
94 may, in addition to any other conditions imposed, impose a
95 condition requiring the probationer or community controllee to
96 participate in a treatment program capable of treating the
97 probationer or community controllee's mental illness, traumatic
98 brain injury, substance abuse disorder, or psychological
99 problem.

100 Section 5. This act shall take effect October 1, 2020.

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

105 Remove everything before the enacting clause and insert:
106 An act relating to court-ordered treatment programs;
107 amending s. 394.47891, F.S.; providing that
108 individuals who are current or former United States
109 Department of Defense contractors, and individuals who
110 are current or former military members of a foreign
111 allied country are eligible in a certain Military
112 Veterans and Servicemembers Court Program; amending s.
113 948.08, F.S.; authorizing persons charged with certain
114 felonies and identified as a specified veteran, an
115 individual who is a current or former United States
116 Department of Defense contractor, or an individual who

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117 is a current or former military member of a foreign
118 allied country to be eligible for voluntary admission
119 into a pretrial veterans' treatment intervention
120 program under certain circumstances; amending s.
121 948.16, F.S.; authorizing a specified veteran, an
122 individual who is a current or former United States
123 Department of Defense contractor, or an individual who
124 is a current or former military member of a foreign
125 allied country and who is charged with a misdemeanor
126 to be eligible for voluntary admission into a
127 misdemeanor pretrial veterans' treatment intervention
128 program under certain circumstances; amending s.
129 948.21, F.S.; authorizing the court to impose a
130 condition requiring a probationer or community
131 controllee who is a specified veteran, an individual
132 who is a current or former United States Department of
133 Defense contractor, or an individual who is a current
134 or former military member of a foreign allied country
135 to participate in a certain treatment program under
136 certain circumstances; providing an effective date.