

1 A bill to be entitled

2 An act relating to court-ordered treatment programs;  
3 amending s. 394.47891, F.S.; revising the list of  
4 individuals who, if charged or convicted of certain  
5 criminal offenses, may participate in a Military  
6 Veterans and Servicemembers Court Program under  
7 certain circumstances; amending s. 948.08, F.S.;  
8 revising the list of individuals who, if charged with  
9 certain felonies, are eligible for voluntary admission  
10 into a pretrial veterans' treatment intervention  
11 program under certain circumstances; amending s.  
12 948.16, F.S.; revising the list of individuals who, if  
13 charged with certain misdemeanors, are eligible for  
14 voluntary admission into a misdemeanor pretrial  
15 veterans' treatment intervention program under certain  
16 circumstances; amending s. 948.21, F.S.; revising the  
17 list of individuals who, if probationers or community  
18 controllees, may be required to participate in a  
19 certain treatment program under certain circumstances;  
20 providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Section 394.47891, Florida Statutes, is amended  
25 to read:

26           394.47891 Military veterans, ~~and~~ servicemembers, and  
27 others court programs.—The chief judge of each judicial circuit  
28 may establish a Military Veterans and Servicemembers Court  
29 Program under which veterans, as defined in s. 1.01, including  
30 veterans who were discharged or released under a general  
31 discharge, and servicemembers, as defined in s. 250.01;  
32 individuals who are current or former United States Department  
33 of Defense contractors; and individuals who are current or  
34 former military members of a foreign allied country, who are  
35 charged or convicted of a criminal offense and who suffer from a  
36 military-related mental illness, traumatic brain injury,  
37 substance abuse disorder, or psychological problem can be  
38 sentenced in accordance with chapter 921 in a manner that  
39 appropriately addresses the severity of the mental illness,  
40 traumatic brain injury, substance abuse disorder, or  
41 psychological problem through services tailored to the  
42 individual needs of the participant. Entry into any Military  
43 Veterans and Servicemembers Court Program must be based upon the  
44 sentencing court's assessment of the defendant's criminal  
45 history, military service, substance abuse treatment needs,  
46 mental health treatment needs, amenability to the services of  
47 the program, the recommendation of the state attorney and the  
48 victim, if any, and the defendant's agreement to enter the  
49 program.

50           Section 2. Paragraph (a) of subsection (7) of section

51 948.08, Florida Statutes, is amended to read:

52 948.08 Pretrial intervention program.—

53 (7) (a) Notwithstanding any provision of this section, a  
54 person who is charged with a felony, other than a felony listed  
55 in s. 948.06(8) (c), and identified as a veteran, as defined in  
56 s. 1.01, including a veteran who is discharged or released under  
57 a general discharge, or servicemember, as defined in s. 250.01;  
58 an individual who is a current or former United States  
59 Department of Defense contractor; or an individual who is a  
60 current or former military member of a foreign allied country,  
61 who suffers from a military service-related mental illness,  
62 traumatic brain injury, substance abuse disorder, or  
63 psychological problem, ~~is~~ is eligible for voluntary admission into  
64 a pretrial veterans' treatment intervention program approved by  
65 the chief judge of the circuit, upon motion of either party or  
66 the court's own motion, except:

67 1. If a defendant was previously offered admission to a  
68 pretrial veterans' treatment intervention program at any time  
69 before trial and the defendant rejected that offer on the  
70 record, the court may deny the defendant's admission to such a  
71 program.

72 2. If a defendant previously entered a court-ordered  
73 veterans' treatment program, the court may deny the defendant's  
74 admission into the pretrial veterans' treatment program.

75 Section 3. Paragraph (a) of subsection (2) of section

76 | 948.16, Florida Statutes, is amended to read:

77 |       948.16 Misdemeanor pretrial substance abuse education and  
78 | treatment intervention program; misdemeanor pretrial ~~veterans'~~  
79 | treatment intervention program; misdemeanor pretrial mental  
80 | health court program.—

81 |       (2) (a) A veteran, as defined in s. 1.01, including a  
82 | veteran who is discharged or released under a general discharge,  
83 | or servicemember, as defined in s. 250.01; an individual who is  
84 | a current or former United States Department of Defense  
85 | contractor; or an individual who is a current or former military  
86 | member of a foreign allied country, who suffers from a military  
87 | service-related mental illness, traumatic brain injury,  
88 | substance abuse disorder, or psychological problem, and who is  
89 | charged with a misdemeanor is eligible for voluntary admission  
90 | into a misdemeanor pretrial veterans' treatment intervention  
91 | program approved by the chief judge of the circuit, for a period  
92 | based on the program's requirements and the treatment plan for  
93 | the offender, upon motion of either party or the court's own  
94 | motion. However, the court may deny the defendant admission into  
95 | a misdemeanor pretrial veterans' treatment intervention program  
96 | if the defendant has previously entered a court-ordered  
97 | veterans' treatment program.

98 |       Section 4. Subsection (2) of section 948.21, Florida  
99 | Statutes, is amended to read:

100 |       948.21 Condition of probation or community control;

101 military servicemembers, ~~and~~ veterans, and others.—

102 (2) Effective for a probationer or community controllee  
103 whose crime is committed on or after July 1, 2016, and who is a  
104 veteran, as defined in s. 1.01, including a veteran who is  
105 discharged or released under a general discharge, or  
106 servicemember, as defined in s. 250.01; an individual who is a  
107 current or former United States Department of Defense  
108 contractor; or an individual who is a current or former military  
109 member of a foreign allied country, who suffers from a military  
110 service-related mental illness, traumatic brain injury,  
111 substance abuse disorder, or psychological problem, the court  
112 may, in addition to any other conditions imposed, impose a  
113 condition requiring the probationer or community controllee to  
114 participate in a treatment program capable of treating the  
115 probationer or community controllee's mental illness, traumatic  
116 brain injury, substance abuse disorder, or psychological  
117 problem.

118 Section 5. This act shall take effect July 1, 2019.