

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

2-00872-19

2019910__

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

2-00872-19

2019910__

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

2-00872-19

2019910__

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.—

2-00872-19

2019910__

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, 2020.