

By Senator Rouson

19-01394-22

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1                   A bill to be entitled  
2           An act relating to a military service option for  
3           certain criminal offenders; creating s. 921.00242,  
4           F.S.; providing that certain criminal offenders may  
5           enlist in the military in lieu of incarceration under  
6           certain circumstances; specifying requirements for the  
7           offender's military service; providing for  
8           resentencing if requirements are not met; providing an  
9           effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Section 921.00242, Florida Statutes, is created  
14 to read:

15           921.00242 Military service option.-

16           (1) A court may permit an offender who is 25 years of age  
17 or younger to enlist in the Armed Forces of the United States as  
18 provided in subsection (2) and complete the requirements of that  
19 subsection or be sentenced as provided in subsection (3). An  
20 offender may enlist in lieu of a prison sanction if the offender  
21 meets all of the following criteria:

22           (a) The offender's primary offense is a misdemeanor.

23           (b) The offender's total maximum possible imprisonment for  
24 all offenses for which he or she is being sentenced is not more  
25 than 4 years.

26           (c) The offender has not been convicted of an offense or,  
27 if the offender has prior convictions, is not a habitual felony  
28 offender, a habitual violent felony offender, or a violent  
29 career criminal under s. 775.084.

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30       (d) The offender's primary offense does not require a  
31 minimum mandatory sentence.

32       (2) The offender shall enlist in a branch of the Armed  
33 Forces of the United States and must:

34       (a) Achieve a minimum acceptable score on the Armed  
35 Services Vocational Aptitude Battery (ASVAB) test.

36       (b) Successfully complete basic training.

37       (c) Successfully complete his or her first term of  
38 enlistment.

39       (d) Satisfy all fines and other financial obligations  
40 imposed for the offense by the completion of his or her first  
41 term of enlistment.

42       (3) The court shall retain jurisdiction over the offender  
43 until all of the requirements in subsection (2) are completed.  
44 If an offender fails to complete any of the requirements in  
45 subsection (2), the offender shall be ordered to return to the  
46 sentencing court to be resentenced.

47       Section 2. This act shall take effect July 1, 2022.