

HB 17

2011

1 A bill to be entitled

2 An act relating to military veterans convicted of criminal
3 offenses; creating s. 921.00242, F.S.; providing that
4 persons convicted of criminal offenses who allege that the
5 offenses resulted from posttraumatic stress disorder,
6 substance abuse, or psychological problems stemming from
7 service in a combat theater in the United States military
8 may have a hearing on that issue before sentencing;
9 providing that defendants found to have committed offenses
10 due to such causes and who are otherwise eligible for
11 probation or community control may be placed in treatment
12 programs for an equal period of time in certain
13 circumstances; providing for sentence credit for such
14 defendants placed in treatment; providing a preference for
15 treatment programs with histories of successfully treating
16 such combat veterans; providing an effective date.

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

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20 Section 1. Section 921.00242, Florida Statutes, is created
21 to read:

22 921.00242 Convicted military veterans; posttraumatic
23 stress disorder, substance abuse, or psychological problems from
24 service; treatment services.—

25 (1) In the case of any person convicted of a criminal
26 offense who would otherwise be sentenced to county jail or the
27 state correctional system and who alleges that he or she
28 committed the offense as a result of posttraumatic stress

29 disorder, substance abuse, or psychological problems stemming
30 from service in a combat theater in the United States military,
31 the court shall, before sentencing, hold a hearing to determine
32 whether the defendant was a member of the military forces of the
33 United States who served in combat and shall assess whether the
34 defendant suffers from posttraumatic stress disorder, substance
35 abuse, or psychological problems as a result of that service.

36 (2) If the court concludes that a defendant convicted of a
37 criminal offense is a person described in subsection (1), and if
38 the defendant is otherwise eligible for probation or community
39 control and the court places the defendant on probation or
40 community control, the court may order the defendant into a
41 local, state, federal, or private nonprofit treatment program
42 for a period not to exceed that which the defendant would have
43 served in the state correctional system or county jail, provided
44 the defendant agrees to participate in the program and the court
45 determines that an appropriate treatment program exists.

46 (3) A defendant granted probation or community control
47 under this section and committed to a residential treatment
48 program shall earn sentence credits for the actual time he or
49 she served in residential treatment.

50 (4) The court, in making an order under this section to
51 commit a defendant to an established treatment program, shall
52 give preference to a treatment program that has a history of
53 successfully treating combat veterans who suffer from
54 posttraumatic stress disorder, substance abuse, or psychological
55 problems as a result of that service.

56 Section 2. This act shall take effect July 1, 2011.