

SB 764 – Veterans Treatment Courts

This bill amends s. 394.47891, F.S., deleting the current language in the statute and stating that “a court with jurisdiction over criminal cases may create and administer a veterans treatment court,” and “may adjudicate misdemeanors and felonies,” with a list of definitions for veterans and servicemembers who can participate in this program. It also gives the chief judge and state attorney of the affected circuit the exclusive authority to determine if a dishonorably discharged veteran can participate in veterans treatment court. Further specifications are established for the court, with eligibility for those with “a mental health condition, traumatic brain injury, substance use disorder, or psychological problem.” While similar language currently exists under s. 394.47891, F.S., replacing this language serves as a potential expansion of eligibility, particularly where the current language states that those eligible suffer from a “military related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.” Furthermore, “if a veterans treatment court determines that a defendant has completed the requirements of the participant agreement, the court shall dispose of the charge or charges that served as the basis for participation in the veterans treatment court in accordance with the participant agreement and any applicable plea agreement, court order, or judgment.”

As of June 2020, Florida has 31 veterans courts in operation. Per DOC, in FY 18-19, there were 142 offenders admitted for veterans’ treatment intervention, and in FY 19-20 there were 108 offenders admitted. It is not known how many more eligible offenders there would be under this new language, so the number of offenders diverted from prison cannot be quantified.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

Requested by: Senate