HB 201 2023

1 A bill to be entitled 2 An act relating to criminal defendants adjudicated 3 incompetent to proceed; amending s. 916.13, F.S.; 4 requiring that the Department of Children and Families 5 initiate a transfer evaluation to determine if a 6 defendant adjudicated incompetent to proceed meets the 7 criteria for involuntary civil commitment if it 8 determines that the defendant will not or is unlikely 9 to gain competence; providing an effective date. 10 11 Be It Enacted by the Legislature of the State of Florida: 12 13 Section 1. Paragraph (d) is added to subsection (2) of section 916.13, Florida Statutes, to read: 14 15 916.13 Involuntary commitment of defendant adjudicated incompetent.-16 A defendant who has been charged with a felony and who 17 18 has been adjudicated incompetent to proceed due to mental 19 illness, and who meets the criteria for involuntary commitment 20 under this chapter, may be committed to the department, and the department shall retain and treat the defendant. 21 22 (d) If the department determines at any time that a 23 defendant will not or is unlikely to gain competence to proceed, 24 the department shall initiate a transfer evaluation to determine

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if the defendant meets the criteria for involuntary civil

CODING: Words stricken are deletions; words underlined are additions.

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26	commitment and a copy of that evaluation shall be provided to
27	the court and counsel before initiating any transfer of the
28	defendant back to the committing jurisdiction.
29	Section 2. This act shall take effect July 1, 2023.

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