

Committee on Judiciary

CS/CS/CS/HB 439 — Mental Health Services in the Criminal Justice System

by Judiciary Committee; Appropriations Committee; Children, Families and Seniors Subcommittee; and Reps. McBurney and others (CS/CS/SB 604 by Appropriations Committee; Judiciary Committee; and Senators Diaz de la Portilla, Hutson, and Gaetz)

This bill expands the authority of courts to use treatment-based mental health and substance abuse court programs for defendants who are involved in the criminal justice process at both the preadjudicatory and postadjudicatory level.

The bill:

- Expands eligibility criteria for defendants to participate in diversionary programs to include children in dependency court and veterans who were released from military service under a general discharge.
- Authorizes counties to fund and establish mental health court programs under which a child under the jurisdiction of dependency court or a defendant having a mental illness shall be processed in a manner that provides appropriate treatment and services.
- Requires the state courts system, contingent upon appropriations by the Legislature, to establish a mental health coordinator for each county mental health court program.
- Creates the Forensic Hospital Diversion Pilot Program to divert defendants found mentally incompetent to proceed to trial or not guilty by reason of insanity into a residential bed and community treatment setting. The Program authorizes the Department of Children and Families (DCF) to replicate the current model of the Miami-Dade Forensic Alternative Center into 2 additional counties. In addition to Miami-Dade, the DCF would implement the program in Broward and Duval Counties.

The specialized mental health treatment authorized by the bill may help defendants avoid returning to the criminal justice and forensic mental health systems.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 40-0; House 117-0