

Chapter 19

2023 Regular Session

Subject Establishing a pre-plea assessment to determine if veterans are eligible for deferred prosecution

Bill H.F. 45

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Date May 24, 2023

Overview

In 2021, the legislature established a procedure under which certain current or former members of the United States military charged with crimes could be eligible for deferred prosecution. Under the statute, a veteran who pled guilty or was found guilty would be assessed for eligibility in the program. If eligible, the veteran would have the opportunity to have the case dismissed after completing probation.

This act amends the existing statute to allow courts to determine whether a veteran is eligible for deferred prosecution before a finding of guilt.

Summary

Section	Description
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1	Eligibility assessment.
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Permits current and former members of the United States military who are charged with certain crimes to request that a court determine if the defendant is eligible for deferred prosecution. Requires the defendant to authorize access to certain records. Establishes that the defendant is eligible for deferred prosecution if the court finds by clear and convincing evidence that the defendant suffers from a listed condition, the condition stems from service in the United States military, and the offense was committed as a result of the condition. Permits the court to make the determination based on information in a criminal complaint or police report. Permits any party to challenge the court's decision within 15 days of that decision.

2	Deferred prosecution.
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Makes conforming changes consistent with the establishment of an assessment that takes place before a finding of guilt.



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