
A BILL FOR AN ACT

RELATING TO A VETERANS TREATMENT COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I

1
2 SECTION 1. After September 11, 2001, members of the United
3 States armed forces and reserves and the Hawaii national guard
4 were engaged in combat in Afghanistan and Iraq at an
5 unprecedented pace. Recent research confirms that a significant
6 number of soldiers--by some estimates, one in five--return home
7 from war with a combat-related mental health condition, such as
8 post-traumatic stress disorder, traumatic brain injury, sexual
9 trauma, substance abuse, or other mental and emotional health
10 conditions. In addition, judges in Hawaii have reported an
11 increase in cases that involve veterans.

12 The first veterans court was established in 2008 in
13 Buffalo, New York. Similar models have subsequently emerged
14 across the country. The goal of these courts is to enhance the
15 effectiveness of the criminal justice system through:

- 16 (1) Early intervention and diversion from incarceration;
- 17 (2) Individualized assessment of problems, including those
18 related to substance abuse;



- 1 (3) Judicial tracking and increased judicial involvement
- 2 in monitoring treatment participation using incentives
- 3 for compliance and graduated sanctions for
- 4 noncompliance;
- 5 (4) Encouragement of veterans to accept responsibility for
- 6 their conduct; and
- 7 (5) Rehabilitation of veterans and their successful
- 8 reintegration into society.

9 The legislature finds that the State's prison system is

10 severely overcrowded and that further alternatives to

11 incarceration, including the provision of appropriate treatment

12 and counseling and more intensive supervision, are needed.

13 Successful intervention by the temporary veterans court is

14 expected to have a long-term positive impact upon prison

15 overcrowding, the costs of high rates of incarceration, public

16 safety, probation and parole workloads, and case flow through

17 the judicial system.

18 The purpose of this Act is to establish a temporary

19 veterans treatment court at the state circuit court level.



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PART II

SECTION 2. (a) A temporary Hawaii veterans treatment court shall be established and administered by a circuit court judge of the first circuit to be selected by the chief justice.

(b) A veteran shall be eligible to participate in the Hawaii veterans treatment court if:

(1) The veteran is arrested for or charged with a felony or misdemeanor offense that does not involve the use or threatened use of force or violence;

(2) The court before which the veteran appears finds that the veteran suffers from a combat-related brain injury, mental illness, or mental disorder, including post-traumatic stress disorder;

(3) The prosecuting attorney of the applicable county approves the transfer of the case from the regular court system to the Hawaii veterans treatment court; and

(4) The court before which the veteran appears allows the veteran to choose whether to proceed through the veterans treatment court or through the traditional criminal justice system.



1 (c) The temporary Hawaii veterans treatment court may
2 substitute a treatment plan model for traditional court
3 processing for all participating veterans. The veterans
4 treatment court shall include the following components:

5 (1) Emphasis on early identification and timely placement
6 of eligible veterans;

7 (2) Cooperation between prosecution and defense counsel to
8 promote public safety and protect participating
9 veterans' due process rights, using a nonadversarial
10 approach;

11 (3) Integration of alcohol or drug treatment and mental
12 health services with the processing of cases in the
13 criminal justice system;

14 (4) Access for participating veterans to a continuum of
15 alcohol or drug, mental health, and other treatment
16 and rehabilitation services, including veteran peer
17 mentors;

18 (5) Frequent testing of participating veterans for alcohol
19 and other drugs;

20 (6) Establishment of a coordinated strategy by the
21 veterans treatment court to respond to a participating



- 1 veteran's compliance or noncompliance with the
2 veteran's treatment regimen;
- 3 (7) Ongoing interaction by the veterans treatment court
4 judge with each participating veteran;
- 5 (8) Establishment of a monitoring and evaluation system to
6 determine the extent to which the veterans treatment
7 court achieves its goals, and the court's
8 effectiveness;
- 9 (9) Engagement by the veterans treatment court staff in
10 continuing interdisciplinary education; and
- 11 (10) Encouragement by the veterans treatment court of
12 partnerships between the court, the United States
13 Department of Veterans Affairs, community-based
14 organizations, public agencies, and other entities, to
15 create local support and promote the veterans
16 treatment court's effectiveness.
- 17 (d) For the purposes of this part:
- 18 "Participating veteran" means a veteran who is
19 participating in the Hawaii veterans treatment court program.
- 20 "Veteran" has the same meaning as set forth in section
21 706-605.1(5), Hawaii Revised Statutes.



1 SECTION 3. (a) The judiciary is authorized to establish
2 the following temporary positions for the purpose of
3 implementing the Hawaii veterans treatment court pursuant to
4 section 2 of this Act for fiscal year 2012-2013, to be funded
5 from the appropriation authorized in section 4 of this Act:

6 (1) One full-time equivalent (1.0 FTE) social worker V
7 position (\$);

8 (2) Two full-time equivalent (2.0 FTE) social worker IV
9 positions (\$ each); and

10 (3) One full-time equivalent (1.0 FTE) circuit court clerk
11 II position (\$).

12 (b) The judiciary may seek federal grants and awards and
13 other moneys to fund the temporary Hawaii veterans treatment
14 court.

15 SECTION 4. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2012-2013 for
18 staffing, equipment, and other expenses for the implementation
19 and operation of the temporary Hawaii veterans treatment court.

20 The sum appropriated shall be expended by the judiciary for
21 the purposes of this Act.



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PART III

SECTION 5. Section 706-605.1, Hawaii Revised Statutes, is amended to read as follows:

"§706-605.1 Intermediate sanctions; eligibility; criteria and conditions. (1) The judiciary shall implement alternative programs that place, control, supervise, and treat selected defendants in lieu of a sentence of incarceration.

(2) Defendants may be considered for sentencing to alternative programs if they:

(a) Have not been convicted of a non-probationable class A felony; and

(b) [~~Have not, within~~] Within the previous five years, have not been convicted of a crime involving serious bodily injury or substantial bodily injury as defined by chapter 707.

(3) A defendant may be sentenced by a district, family, or circuit court judge to alternative programs.

(4) As used in this section, "alternative programs" means programs that, from time to time, are created and funded by legislative appropriation or federal grant naming the judiciary or one of its operating agencies as the expending agency and



1 that are intended to provide an alternative to incarceration.

2 Alternative programs may include:

3 (a) House arrest, or curfew using electronic monitoring
4 and surveillance, or both;

5 (b) Drug court programs for defendants with assessed
6 alcohol or drug abuse problems, or both;

7 (c) Veterans treatment court programs for defendants who
8 are veterans and who meet specific requirements;

9 ~~[-(e)-]~~ (d) Therapeutic residential and nonresidential
10 programs, including secure drug treatment facilities;

11 ~~[-(d)-]~~ (e) A program of regimental discipline pursuant to
12 section 706-605.5; and

13 ~~[-(e)-]~~ (f) Similar programs created and designated as
14 alternative programs by the legislature or the
15 administrative director of the courts for qualified
16 defendants who do not pose significant risks to the
17 community.

18 (5) As used in this section, "veteran" means a person who
19 served on active duty in the armed forces of the United States,
20 a reserve component thereof, or the national guard, and who was
21 federally activated and released honorably."



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PART IV

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2012, and shall be repealed on June 30, 2021; provided that section 706-605.1, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act.

INTRODUCED BY:

<u>Rider T.P. Odom</u>	<u>[Signature]</u>
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H.B. NO. 2798

Report Title:

Hawaii Veterans Court; Appropriation

Description:

Establishes a temporary Hawaii veterans treatment court within the judiciary. Appropriates funds. Repealed on 6/30/21.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

