

---

---

# A BILL FOR AN ACT

RELATING TO VETERANS COURT.

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

1 PART I

2 SECTION 1. The legislature finds that the State's prison  
3 system is severely overcrowded and that further alternatives to  
4 incarceration, including the provision of appropriate treatment  
5 and counseling and more intensive supervision, are needed.

6 After September 11, 2001, members of the United States  
7 armed forces and reserves and the Hawaii national guard were  
8 engaged in combat in Afghanistan and Iraq at an unprecedented  
9 pace. Recent research confirms that a significant number of  
10 soldiers, by some estimates, one in five, returns home from war  
11 with a combat-related mental health condition, such as post-  
12 traumatic stress disorder, traumatic brain injury, sexual  
13 trauma, substance abuse, or other mental and emotional health  
14 conditions.

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



- 1 (1) Early intervention and diversion from incarceration;
- 2 (2) Individualized assessment of problems, including those
- 3 related to substance abuse;
- 4 (3) Judicial tracking and increased judicial involvement
- 5 in monitoring treatment participation using incentives
- 6 for compliance and graduated sanctions for
- 7 noncompliance;
- 8 (4) Encouragement to veterans to accept responsibility for
- 9 their conduct; and
- 10 (5) Rehabilitation of veterans and their successful
- 11 reintegration into society.

12 Successful intervention by the temporary veterans court is  
13 expected to have a long-term impact on prison overcrowding, the  
14 costs of high rates of incarceration, public safety, probation  
15 and parole workloads, and case flow through the judicial system.

16 The purpose of this Act is to address prison overcrowding  
17 by establishing a temporary veterans court in the first circuit.

18 PART II

19 SECTION 2. A Hawaii veterans court shall be established  
20 and administered by a circuit court judge of the first circuit  
21 to be selected by the chief justice. The activities of the  
22 veterans court shall be supported by case management, auxiliary



1 and support services, treatment, and intensive supervision  
2 mechanisms.

3 SECTION 3. (a) A veteran is eligible to participate in  
4 the Hawaii veterans court if:

5 (1) The veteran files a motion in the applicable court in  
6 the regular court system to transfer the veteran's  
7 case from the regular court system to the Hawaii  
8 veterans court;

9 (2) The court approves the motion to transfer the case  
10 from the regular court system to the Hawaii veterans  
11 court; provided that the court determines that the  
12 veteran suffers from mental health or substance abuse  
13 problems or both;

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

17 (4) The offense for which the veteran is charged is a  
18 felony or misdemeanor.

19 (b) The victim of the offense for which the veteran is  
20 charged shall be eligible to:



1 (1) Attend, provide testimony concerning, and be informed  
2 of all applicable proceedings with respect to the  
3 veteran in veterans court; and

4 (2) Receive full and timely restitution, as applicable,  
5 from the veteran by order of the veterans court.

6 (c) The Hawaii veterans court shall have broad authority  
7 to:

8 (1) Require the participating veteran to:

9 (A) Attend rehabilitation, educational, vocational,  
10 medical, mental health, and substance abuse  
11 treatment programs; and

12 (B) Participate in peer-to-peer mentoring; and

13 (2) Monitor for at least one year:

14 (A) The execution of the treatment plan of the  
15 participating veteran; and

16 (B) The participating veteran's compliance with the  
17 requirements of the treatment plan, including  
18 regular appearances before the Hawaii veterans  
19 court to report on the participating veteran's  
20 progress.

21 (d) The Hawaii veterans court shall coordinate with the  
22 United States Department of Veterans Affairs in assisting



1 participating veterans through medical, mental health, substance  
2 abuse, housing, employment services, and counseling assistance.

3 (e) For the purposes of this part:

4 "Participating veteran" means a veteran who is  
5 participating in the Hawaii veterans court program.

6 "Veteran" means a person who served on active duty in the  
7 armed forces of the United States, a reserve component thereof,  
8 or the national guard, and who was federally activated.

9 PART III

10 SECTION 4. (a) The judiciary is authorized to establish  
11 the following positions for the purpose of implementing the  
12 Hawaii veterans court pursuant to part II of this Act for fiscal  
13 years 2012-2013 and 2013-2014, to be funded from the  
14 appropriation authorized in section 5 of this Act:

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

17 (2) One full-time equivalent (1.0 FTE) social worker IV  
18 position (\$ ); and

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

21 (b) The judiciary may seek federal grants and awards and  
22 other moneys to fund the Hawaii veterans court.



1 SECTION 5. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2012-2013 and  
4 the same sum or so much thereof as may be necessary for fiscal  
5 year 2013-2014 for staffing, equipment, and other expenses for  
6 the implementation and operation of the Hawaii veterans court.

7 The sums appropriated shall be expended by the judiciary  
8 for the purposes of this Act.

9 PART IV

10 SECTION 6. Section 706-605.1, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§706-605.1 Intermediate sanctions; eligibility; criteria**  
13 **and conditions.** (1) The judiciary shall implement alternative  
14 programs that place, control, supervise, and treat selected  
15 defendants in lieu of a sentence of incarceration.

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

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

20 (b) Have not, within the previous five years, been  
21 convicted of a crime involving serious bodily injury



1 or substantial bodily injury as defined by chapter  
2 707.

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

5 (4) As used in this section[~~,"alternative programs"]:~~

6 "Alternative programs" means programs that, from time to  
7 time, are created and funded by legislative appropriation or  
8 federal grant naming the judiciary or one of its operating  
9 agencies as the expending agency and that are intended to  
10 provide an alternative to incarceration. Alternative programs  
11 may include:

12 (a) House arrest, or curfew using electronic monitoring  
13 and surveillance, or both;

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

16 (c) Veterans court programs for defendants who are  
17 veterans and who meet specific requirements;

18 [~~(e)~~] (d) Therapeutic residential and nonresidential  
19 programs, including secure drug treatment facilities;

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



1        ~~(e)~~ (f) Similar programs created and designated as  
 2            alternative programs by the legislature or the  
 3            administrative director of the courts for qualified  
 4            defendants who do not pose significant risks to the  
 5            community.

6            "Veteran" means a person who served on active duty in the  
 7 armed forces of the United States, a reserve component thereof,  
 8 or the national guard, and who was federally activated."

PART V

10            SECTION 7. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12            SECTION 8. This Act shall take effect on July 1, 2012;  
 13 provided that on June 30, 2021, this Act shall be repealed and  
 14 section 706-605.1, Hawaii Revised Statutes, shall be reenacted  
 15 in the form in which it read on the day before the effective  
 16 date of this Act.

INTRODUCED BY:

17 ~~Blakeman~~ Ray Hunter K. Oll.  
~~Maipalea~~ Joe Tom Kahl  
Calhoun Harper Tom Brown  
Cynthia Nichols Orin Jim Brown  
Ray Sam W. King





Paul  
Karen Awana

Paul

JAN 25 2012



# H.B. NO. 2805

**Report Title:**

Hawaii Veterans Court; Appropriation

**Description:**

Establishes a Hawaii veterans court within the Judiciary. Makes an appropriation. Effective July 1, 2012, and repeals on June 30, 2021.

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

