

ASSEMBLY BILL

No. 983

Introduced by Assembly Member Mathis
(Coauthor: Assembly Member Maienschein)
(Coauthor: Senator Anderson)

February 26, 2015

An act to add Chapter 2.97 (commencing with Section 1001.100) to Title 6 of Part 2 of the Penal Code, relating to veterans courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 983, as introduced, Mathis. Veterans courts.

Existing law provides for the diversion of specified criminal offenders in alternate sentencing and treatment programs. Existing law authorizes the court, with the consent of the defendant and a waiver of the defendant's speedy trial right, to postpone prosecution, either temporarily or permanently, of a misdemeanor and place the defendant in a pretrial diversion program, if the defendant was, or currently is, a member of the United States military and if he or she may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her military service.

This bill would require superior courts to develop and implement veterans courts for eligible veterans of the United States military with the objective of, among other things, creation of a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that leads to the placement of as many mentally ill offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health

problem stemming from military service, in community treatment as is feasible and consistent with public safety. The bill would make a related statement of legislative intent.

This bill would require a county and court stakeholders to utilize a collaborative process to develop a plan for a veterans court that satisfies the bill’s requirements. The bill would require a veterans court to be administered by a veterans court team led by a judicial officer to preside over the court, and would require that other members of the veterans court team, to the extent feasible, include, but not be limited to, a prosecutor, a public defender, a county mental health liaison, a substance abuse liaison, a county veterans’ service officer, a probation officer, and a Veterans Administration social worker to assist the court with screening veterans court candidates for eligibility and suitability in Veterans Administration funded programs. The bill would require the veterans court team to determine the frequency of ongoing reviews of the progress of the offender in community treatment in order to ensure the offender adheres to the treatment plan as recommended, remains in treatment, and completes treatment. By increasing the duties of local officials, the bill would impose a state-mandated local program.

The bill would authorize a superior court, in order to satisfy the bill’s requirements, to partner with another superior court in the same county or a superior court in a neighboring county to provide access to a veterans court if that veterans court satisfies the bill’s requirements.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2.97 (commencing with Section
 2 1001.100) is added to Title 6 of Part 2 of the Penal Code, to read:

CHAPTER 2.97. VETERANS COURTS

1001.100. (a) Except as provided in Section 1001.101, each superior court shall develop and implement a veterans court.

(b) A veterans court established pursuant to this chapter shall accomplish all of the following objectives:

(1) Increase cooperation between the courts, criminal justice, veterans, and substance abuse systems.

(2) Create a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that contains the characteristics set out in subdivision (c) that will lead to placement of as many mentally ill offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from United States military service, in community treatment, as is feasible and consistent with public safety.

(3) Improve access to necessary services and support.

(4) Reduce recidivism.

(5) Reduce the involvement of veterans in the criminal justice system and time in jail by making mental health service for veterans available in the least restrictive environment possible while promoting public safety.

(c) A veterans court established pursuant to this chapter shall have all of the following characteristics:

(1) Leadership by a superior court judicial officer assigned by the presiding judge.

(2) Enhanced accountability by combining judicial supervision with rehabilitation services that are rigorously monitored and focused on recovery.

(3) A problem solving focus.

(4) A team approach to decisionmaking, including, but not limited to, involving the defendant who is a veteran in the creation of a treatment plan and goals.

(5) Integration of social and treatment services.

(6) Judicial supervision of the treatment process, as appropriate.

(7) Community outreach efforts.

(8) Direct interaction between defendant and judicial officer.

1 (d) (1) The county and court stakeholders shall utilize a
2 collaborative process to develop a plan for a veterans court that
3 satisfies the requirements of this section.
4 (2) At least one stakeholder shall be a criminal justice client
5 who is a veteran who has lived with the experience of mental illness
6 as described in paragraph (2) of subdivision (b).
7 (3) The plan shall incorporate as many of the following
8 components as feasible:
9 (A) The method by which the veterans court ensures that the
10 target population of defendants are identified and referred to the
11 veterans court.
12 (B) The method for assessing defendants who are veterans for
13 serious mental illness and co-occurring disorders.
14 (C) Eligibility criteria specifying what factors make the
15 defendant eligible to participate in the veterans court, including
16 service in the United States military, the amenability of the
17 defendant to treatment and the facts of the case, as well as prior
18 criminal history, United States military service history, and mental
19 health and substance abuse treatment history.
20 (D) The elements of the treatment and supervision programs.
21 (E) Standards for continuing participation in, and successful
22 completion of, the veterans court program.
23 (F) The need for all service providers and stakeholders to receive
24 initial and ongoing training from county departments and
25 community stakeholders with specialized knowledge about
26 veterans' treatment and service needs, such as the county health
27 department, county veterans officers, county drug and alcohol
28 department, and Veterans Administration partners, and the need
29 to provide initial and ongoing training for designated staff on the
30 nature of serious mental illness and on the treatment and supportive
31 services available in the community.
32 (G) The process to ensure defendants will receive the appropriate
33 level of treatment services with emphasis on maximizing federally
34 funded services from the Veterans Administration and the
35 Department of Veterans Affairs, as well as the county and other
36 local mental health and substance abuse treatment services to the
37 extent that resources are available for that purpose, as described
38 in paragraph (5) of subdivision (b) of Section 5600.3 of the Welfare
39 and Institutions Code.

1 (H) The process for developing or modifying a treatment plan
2 for each defendant, based on a formal assessment of the defendant's
3 mental health, United States military service history, and substance
4 abuse treatment needs. Participation in the veterans court shall
5 require defendants to complete the recommended treatment plan,
6 and comply with any other terms and conditions that optimizes
7 the likelihood that the defendant completes the program.

8 (I) The process for referring cases to the veterans court.

9 (J) A defendant's voluntary entry into the veterans court, the
10 right of a defendant to withdraw from the veterans court, and the
11 process for explaining these rights to the defendant.

12 (e) (1) A veterans court shall be administered by a veterans
13 court team led by a judicial officer to preside over the court.

14 (2) Other members of the veterans court team shall, to the extent
15 feasible, include, but not be limited to, a prosecutor, a public
16 defender, a county mental health liaison, a substance abuse liaison,
17 a county veterans' service officer, a probation officer, and a
18 Veterans Administration social worker to assist the court with
19 screening veterans court candidates for eligibility and suitability
20 in Veterans Administration funded programs.

21 (3) The veterans court team shall determine the frequency of
22 ongoing reviews of the progress of the offender in community
23 treatment in order to ensure the offender adheres to the treatment
24 plan as recommended, remains in treatment, and completes
25 treatment.

26 (f) For the purposes of this section, it is the intent of the
27 Legislature to do all of the following:

28 (1) Reduce costs to the state through decreased recidivism in a
29 manner consistent with 2011 Realignment.

30 (2) Provide a veterans court judge a variety of options for
31 carrying out the goal to ensure long-term public safety by
32 maximizing the opportunities for veterans with psychological war
33 wounds to get timely and appropriate treatment.

34 (3) Ensure that a veterans court judge exercises discretion and
35 uses all tools available to ensure public safety and assist defendants
36 to successfully complete appropriate treatment for the problems
37 underlying their offenses.

38 (4) Augment, rather than replace, other sections within this
39 code.

1 (5) Ensure a holistic approach that the priority underlying
2 offense is treated and that offense-specific education and
3 counseling aims are met. Where there are statutory requirements
4 for certain education or counseling programs to be included in the
5 terms of probation, for example, first conviction programs for
6 driving under the influence offenders under Section 23152 of the
7 Vehicle Code or domestic violence offenders under Section 273.5
8 of the Penal Code, it is the intent of the Legislature that the
9 components of those offense-specific counseling terms be
10 incorporated into the treatment programs that are designed to treat
11 the underlying psychological disorders rather than required in lieu
12 of the psychological treatments.

13 1001.101. In order to satisfy the requirements of Section
14 1001.100, a superior court may partner with another superior court
15 in the same county or a superior court in a neighboring county to
16 provide access to a veterans court if that veterans court satisfies
17 the requirements of Section 1001.100.

18 SEC. 2. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.