
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 339 **Hearing Date:** April 4, 2017
Author: Roth
Version: February 14, 2017
Urgency: No **Fiscal:** Yes
Consultant: NG

Subject: *Veterans Treatment Courts: Judicial Council Assessment and Survey*

HISTORY

Source: B. Wayne Hughes, Jr., represented by Cline & Duplissea

Prior Legislation: AB 1672 (Mathis) – Held in Senate Appropriations 2016
AB 2098 (Levine) – Chaptered 163, Statutes of 2014
AB 201 (Butler) – Vetoed by Governor, 2012
AB 1925 (Salas) – Vetoed by Governor 2010

Support: American G.I. Forum of California; American Legion Department of California; AMVETS-Department of California; California Association of County Veterans Service Officers; California Public Defenders Office; California State Commanders Veterans Council; Military Officers Association of America, California Council of Chapters; Vietnam Veterans of America-California State Council; Rural County Representatives of California

Opposition: None known

PURPOSE

The purpose of this bill is for the Legislature to commission a statewide report, authored by the Judicial Council, that examines veterans treatment courts that are currently in operation, a survey of the services offered to veterans through the treatment courts, the goals, outcomes and effectiveness of these treatment courts, a survey of counties that do not offer veterans treatment courts, identification of barriers to the implementation of veteran treatment courts in these counties, and assess the need for veteran treatment courts in the counties that do not currently offer this service.

Existing law vests in the superior courts the judicial power of California. (Cal. Const. art. VI§ 1.)

Existing law establishes the Judicial Council and authorizes them, to improve the administration of justice, to survey judicial business and make recommendations to the courts to the Governor and Legislature, and adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute. (Cal. Const. art. VI§ 6(d).)

Existing law allows courts to make rules its own administration, provided that such rules are not otherwise prohibited by the Constitution, statute, or rules adopted by the Judicial Council. (Gov. Code §68070; *Wisniewski v. Clary* (1975) 46 Cal.App.3d 499.)

Existing law requires judges to identify if veterans defendants, prior to sentencing, have committed a criminal offense as a result of sexual trauma, post-traumatic stress disorder, traumatic brain injury, substance abuse, or mental health problems as a result of his or her service, and may use this status to grant probation and, or, participation in approved treatment programs. (Penal Code §1170.9) (Penal Code §1170.9(b)(1)(2).)

This bill would require the Judicial Council, if Judicial Council receives funds for the purpose of implementing this section, to report to the Legislature on a statewide study of veterans and veterans treatment courts that includes, at a minimum, as follows:

- A statewide assessment of the veterans treatment courts currently in operation that includes the number of veteran participation in the program, services available, and program outcomes, including successful completion or program terminations. The assessment shall evaluate the impact of a sample of veterans treatments courts on participant outcomes, including, not limited to, program recidivism, mental health, homelessness, employment social stability, and substance abuse.
- A survey of counties that do not operate veterans treatment courts that identifies barriers to program implementation and assesses the need for veterans treatment courts in those jurisdictions based on the veterans involved in the local criminal justice system. The survey shall identify alternative resources that may be available to veterans, such as community courts or other collaborative justice courts
- The report shall include recommendations regarding the expansion of veterans treatment courts or services to counties without veterans treatment courts and shall explore the feasibility of designing regional model veterans treatment courts through the use of service coordination or technological resources

This bill would require the Judicial Council to report the findings of this statewide assessment to the Legislature on or before June 1, 2020.

This bill would require that 50 percent of the funds required by the study and report shall be funded by private sources, and 50 percent of the funds shall be funded by the state, upon appropriation by the Legislature.

This bill would establish the Veterans Court Assessment Fund within the State Treasury, which will be administered by the Judicial Council. The Veterans Court Assessment Fund will have the discretion to accept private donations from entities and individuals. The Judicial Council shall deposit the donations into the fund.

This bill would, if not enacted, require any funds donated to the Veterans Court Assessment Fund for the purposes of the statewide study and report to be transferred to the entity or individual who made the donation in an amount equal to the donation.

This bill would appropriate \$100,000.00 from the Veterans Court Assessment Fund to the Judicial Council for the purpose of conducting the state study and report.

This bill would appropriate \$100,000.00 from the General Fund to the Judicial for the purpose of conducting the state wide study and report.

This bill would remain in effect only until January 1, 2021, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends that date.

COMMENTS

1. Need for This Bill

According to the author:

All too often, veterans returning from overseas conflict fall through the cracks and do not receive the proper treatment they need when transitioning to civilian life. Combat-related mental illness is common and has been shown to be linked to substance abuse. Left untreated, mental health disorders common among veterans can directly lead to involvement in the criminal justice system. According to dragabuse.gov one in six veterans returning from Iraq and Afghanistan have reported symptoms of post-traumatic stress disorder (PTSD). In many cases, substance abuse and PTSD are co-occurring disorders that have unfortunately been fueled by a 270% increase in opioid based prescriptions in the last 12 years among VA patients.

A veterans' court is a problem-solving court intended to serve veterans who are involved with the justice system and whose court cases are affected by issues such as addiction, mental illness, and co-occurring disorders. These courts promote sobriety, recovery, and stability through a coordinated response involving cooperation and collaboration with prosecutors, defense lawyers, probation departments, county veterans service offices, the California Department of Veterans Affairs, health-care networks, employment and housing agencies and groups, volunteer mentors who are usually also veterans, and family support organizations.

Several counties throughout the state do not currently have a veterans' court within their limits. As such, these veterans often find themselves neglected and underrepresented once they become involved in the judicial system. This problem is exacerbated because neighboring counties are not currently authorized to provide the services needed by these veterans. Without proper representation and information, these veterans are left to manage and navigate the challenges of the justice system without vital assistance.

Every veteran deserves access to courts specifically designed to assist them through our complex justice system. These courts also provide vital information on mental health and substance abuse recovery programs. As such, a study should be conducted on the feasibility of counties to share access to veterans courts compared to counties without them.

2. Effect of This Bill

This bill would commission the Judicial Council to create a state wide survey and report to assess veteran treatments courts, as specified.

According to the Rural County Representatives of California:

Veteran's Courts, in collaboration with the California Department of Veterans Affairs, probation departments, employment and housing agencies, and other family organizations, serve veterans involved in the criminal justice system. Veterans' Court offer veterans, who have committed low-level offenses, a wide variety of supportive services including mental health and substance abuse recovery programs. Veterans' Courts reduce recidivism, lessen jail costs and encourage veterans to reintegrate into their communities.

According to the AMVETS Department of California, the California Association of County Veterans Service Officers, the California State Commanders Veterans Council, Military Officers Association of America, California Council of Chapters, and Vietnam Veterans of America-California State Council:

We strongly support this study which will look at the impact on veterans that lack access to such courts in those counties that do not have them, the utility of community courts as a substitute for veterans' courts and the use of technology to deliver veterans court services to counties with veterans' courts. Veterans treatment courts have proven very effective in helping veterans who have extenuating circumstances (post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), addiction issues, etc.) as a result of their service, to find treatment and recovery through the judicial system.

– END –