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SENATE BILL NO. 1063

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 2, 2011)

(Patron Prior to Substitute—Senator Miller, J.C.)

A BILL to amend the Code of Virginia by adding a section numbered 19.2-309.2, relating to criminal justice procedures for veterans, military servicemembers, and certain other persons.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-309.2 as follows:

§ 19.2-309.2. Criminal justice procedures for veterans, military servicemembers, and certain other persons.

To facilitate local involvement and flexibility in responding to the problem of crime in local communities and to effectively treat, counsel, rehabilitate, and supervise military servicemembers, veterans, and other individuals who are offenders or defendants in the criminal justice system and who need access to proper treatment for mental illness including major depression, alcohol or drug abuse, post traumatic stress disorder, traumatic brain injury, or a combination of these, any city, county, or combination thereof, may develop, establish, and maintain policies, procedures, and services to provide the judicial system with sentencing alternatives for (i) all such offenders who are convicted and sentenced for misdemeanors or felonies that are not felony acts of violence, as defined in § 19.2-297.1, and who are considered suitable candidates for alternatives that require less than incarceration in a local correctional facility and (ii) all such defendants in cases in which there has not been entered a written order adjudicating the defendant guilty. Such policies, procedures, and services shall be designed to provide:

1. Effective coordination of treatment and counseling services available to the criminal justice system case processing;

2. Enhanced public safety through intensive offender supervision, counseling, and treatment;

3. Prompt identification and placement of eligible participants;

4. Efficient access to a continuum of treatment, rehabilitation, and counseling services;

5. Where appropriate, verified participant abstinence through frequent alcohol and other drug testing;

6. Prompt response to participants' noncompliance with program requirements;

7. Ongoing monitoring and evaluation of program effectiveness and efficiency;

8. Ongoing education and training in support of program effectiveness and efficiency;

9. Ongoing collaboration among public agencies, community-based organizations, the U.S. Department of Veterans Affairs health care networks, the Veterans Benefits Administration, volunteer veteran mentors, and veterans and military family support organizations; and

10. The creation of a veterans and military servicemembers advisory council to provide input on the operations of programs. The council shall include individuals responsible for the criminal justice procedures program along with veterans and, if available, military servicemembers.