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SENATE BILL NO. 317

Offered January 13, 2016

Prefiled January 8, 2016

A *BILL to amend and reenact § 2.2-2001.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-254.2, relating to the Veterans Docket Act.*

Patrons—Alexander; Delegate: Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2001.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-254.2 as follows:

§ 2.2-2001.1. Program for mental health and rehabilitative services.

The Department, in cooperation with the Department of Behavioral Health and Developmental Services and the Department for Aging and Rehabilitative Services, shall establish a program to monitor and coordinate mental health and rehabilitative services support for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service. The program shall also support family members affected by covered military members' service and deployments. The purpose of the program is to ensure that adequate and timely assessment, treatment, and support are available to veterans, service members, and affected family members.

The program shall facilitate support for covered individuals to provide timely assessment and treatment for stress-related injuries and traumatic brain injuries resulting from military service, and subject to the availability of public and private funds appropriated for them, case management services, outpatient, family support, and other appropriate behavioral health and brain injury services necessary to provide individual services and support.

The program shall cooperate with localities that may establish special treatment procedures for veterans and active military service members such as authorized by §§ 9.1-173 and 9.1-174. *The program shall also cooperate and coordinate with localities that have established veterans dockets pursuant to § 18.2-254.2. To facilitate local involvement and flexibility in responding to the problem of crime in local communities and to effectively treat, counsel, rehabilitate, and supervise veterans and active military service members 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 treatment services for 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. Such policies, procedures, and treatment services shall be designed to provide:*

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

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

3. Prompt identification and placement of eligible participants;

4. Access to a continuum of treatment, rehabilitation, and counseling services in collaboration with such care providers as are willing and able to provide the services needed;

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 and 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 service members' advisory council to provide input on the operations of such programs. The council shall include individuals responsible for the criminal justice procedures program along with veterans and, if available, active military service members.

§ 18.2-254.2. Veterans Docket Act.

A. *This section shall be known and may be cited as the "Veterans Docket Act."*

B. *The General Assembly recognizes the critical need to promote public safety and reduce recidivism by addressing substance abuse, mental illness, issues unique to military service experienced by Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces*

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59 *Reserves not in active federal service. It is the intention of the General Assembly to enhance public*
60 *safety by facilitating the creation of veterans dockets to accomplish this purpose.*

61 *C. The goals of veterans dockets shall include (i) reducing recidivism; (ii) increasing personal,*
62 *familial, and societal accountability among offenders through ongoing judicial intervention; (iii)*
63 *reducing substance abuse, while addressing mental illness and other conditions that contribute to*
64 *criminal behavior and recidivism; (iv) promoting law-abiding behavior and successful reentry of*
65 *offenders following incarceration; and (v) promoting effective planning and use of resources within the*
66 *criminal justice system and community agencies. Veterans dockets promote outcomes that will benefit*
67 *not only the offender, but society as well.*

68 *D. Veterans dockets are specialized criminal court dockets within the existing structure of Virginia's*
69 *court system that enable the judiciary to manage its workload more efficiently. Under the leadership and*
70 *regular interaction of presiding judges, and through voluntary offender participation, veterans dockets*
71 *shall address underlying offender needs and conditions that contribute to criminal behavior. Such needs*
72 *and conditions shall include, but not be limited to, veteran's status, mental illness, and societal reentry.*
73 *Veterans dockets shall employ evidence-based practices to enhance public safety, reduce recidivism,*
74 *ensure offender accountability, and promote offender rehabilitation in the community. Local officials*
75 *shall complete a planning process recognized by the state veterans docket advisory committee before*
76 *establishing a veterans docket program.*

77 *E. Administrative oversight of implementation of the Veterans Docket Act shall be conducted by the*
78 *Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing*
79 *oversight of the distribution of funds for veterans dockets; (ii) providing technical assistance to veterans*
80 *dockets; (iii) providing training to judges who preside over veterans dockets; (iv) providing training to*
81 *the providers of administrative, case management, and treatment services to veterans dockets; and (v)*
82 *monitoring the completion of evaluations of the effectiveness and efficiency of veterans dockets in the*
83 *Commonwealth.*

84 *F. A state veterans docket advisory committee shall be established in the judicial branch. The*
85 *committee shall be chaired by the Chief Justice of the Supreme Court of Virginia, who shall appoint a*
86 *vice-chair to act in his absence. The membership of the committee shall include a problem-solving*
87 *circuit court judge, a problem-solving general district court judge, a problem-solving juvenile and*
88 *domestic relations district court judge, the Executive Secretary of the Supreme Court or his designee,*
89 *the Governor or his designee, and a representative from each of the following entities: the*
90 *Commonwealth's Attorneys' Services Council, the Virginia Court Clerks' Association, the Virginia*
91 *Indigent Defense Commission, the Department of Veterans Services, the Department of Behavioral*
92 *Health and Developmental Services, and a local community-based probation and pretrial services*
93 *agency.*

94 *G. Each jurisdiction or combination of jurisdictions that intends to establish a veterans docket or*
95 *continue the operation of an existing veterans docket shall establish a local veterans docket advisory*
96 *committee. Each local veterans docket advisory committee shall ensure quality, efficiency, and fairness*
97 *in the planning, implementation, and operation of the veterans docket that serves the jurisdiction or*
98 *combination of jurisdictions. Advisory committee membership may include, but shall not be limited to,*
99 *the following persons or their designees: (i) the veterans docket judge; (ii) the attorney for the*
100 *Commonwealth or, where applicable, the city or county attorney who has responsibility for the*
101 *prosecution of misdemeanor offenses; (iii) the public defender or a member of the local criminal defense*
102 *bar in jurisdictions in which there is no public defender; (iv) the clerk of the court in which the*
103 *veterans docket is located; (v) a representative of the Virginia Department of Corrections or the*
104 *Department of Juvenile Justice, or both, from the local office that serves the jurisdiction or combination*
105 *of jurisdictions; (vi) a representative of a local community-based probation and pretrial services agency;*
106 *(vii) a local law-enforcement officer; (viii) a representative of the Department of Behavioral Health and*
107 *Developmental Services or a representative of local treatment providers; (ix) a representative of the*
108 *local community services board; (x) the veterans docket administrator; (xi) a representative of the*
109 *Department of Social Services; (xii) a liaison representative of the Department of Veterans Services;*
110 *(xiii) a public health official; (xiv) the county administrator or city manager; and (xv) any other persons*
111 *selected by the local veterans docket advisory committee.*

112 *H. Each local veterans docket advisory committee shall establish criteria for the eligibility and*
113 *participation of offenders who have been determined to have addiction, mental illness, societal reentry*
114 *difficulties, or other issues stemming from military service. Subject to the provisions of this section,*
115 *neither the establishment of a veterans docket nor anything in this section shall be construed as limiting*
116 *the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein that*
117 *he deems advisable to prosecute, except to the extent that the participating attorney for the*
118 *Commonwealth agrees to do so. No adult offender who has been convicted of an act of violence, as*
119 *defined in § 19.2-297.1, within the preceding 10 years, and no juvenile offender who has previously been*
120 *adjudicated not innocent of any such offense within the preceding 10 years, shall be eligible to*

121 participate in any veterans docket established or continued in operation pursuant to this section.

122 I. Each local veterans docket advisory committee shall establish policies and procedures for the
123 operation of the docket to attain the following goals: (i) effective integration of appropriate treatment
124 services with criminal justice system case processing; (ii) enhanced public safety through intensive
125 offender supervision and treatment; (iii) prompt identification and placement of eligible participants; (iv)
126 efficient access to a continuum of related treatment and rehabilitation services; (v) verified participant
127 abstinence through frequent alcohol and other drug testing, where applicable; (vi) prompt response to
128 participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing
129 judicial interaction with each veterans docket participant; (viii) ongoing monitoring and evaluation of
130 program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of
131 program effectiveness and efficiency; and (x) ongoing collaboration among veterans dockets, public
132 agencies, and community-based organizations to enhance program effectiveness and efficiency.

133 J. Participation by an offender in a veterans docket shall be voluntary and made pursuant only to a
134 written agreement entered into by and between the offender and the Commonwealth with the
135 concurrence of the court.

136 K. Each offender shall contribute to the cost of the treatment he receives while participating in a
137 veterans docket pursuant to guidelines developed by the local veterans docket advisory committee.

138 L. Nothing contained in this section shall confer a right or an expectation of a right to treatment for
139 an offender or be construed as requiring a local veterans docket advisory committee to accept for
140 participation every offender.

141 M. The Office of the Executive Secretary shall, with the assistance of the state veterans docket
142 advisory committee, develop a statewide evaluation model and conduct ongoing evaluations of the
143 effectiveness and efficiency of all veterans dockets. The Executive Secretary shall submit an annual
144 report of these evaluations to the General Assembly by December 1 of each year. The annual report
145 shall be submitted as a report document as provided in the procedures of the Division of Legislative
146 Automated Systems for the processing of legislative documents and reports and shall be posted on the
147 General Assembly's website. Each local veterans docket advisory committee shall submit evaluative
148 reports to the Office of the Executive Secretary as requested.