HB 1589-FN - AS AMENDED BY THE SENATE

15Feb2024... 0334h
15Feb2024... 0671h
11Apr2024... 1396h
05/15/2024 1870s
05/23/2024 2118s

2024 SESSION

24-2265
11/08

HOUSE BILL ***1589-FN***

AN ACT establishing a veterans treatment court.

SPONSORS: Rep. Moffett, Merr. 4; Rep. Lynn, Rock. 17; Rep. Wallace, Rock. 8; Rep. Roy, Rock. 31; Sen. Abbas, Dist 22

COMMITTEE: Judiciary

ANALYSIS

This bill establishes a veterans treatment court.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT establishing a veterans treatment court.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Implementation of Veterans Court. RSA 490-I:1 is repealed and reenacted to read as follows:

490-I:1 Implementation of Veterans Court.

I. At least one veterans court shall be established in one circuit court and superior court in each county or district. In the court's discretion, in counties or districts where participation may be low, or where other administrative considerations may exist, a veterans court may be a track of an existing mental health court, may be combined across different counties or districts, may utilize a virtual docket, or may employ such other flexible measures as the court may determine appropriate in order to effectuate the objectives of this statute. The veterans court shall adjudicate, depending on jurisdiction, misdemeanor and felony cases and monitor treatment of veterans and active duty military members with mental illnesses, substance abuse issues, housing instability or homelessness, job instability or unemployment, or a combination of the aforementioned, in an effort to help veterans avoid behavior that would otherwise result in criminal conduct. The chief justice of the superior court and the administrative judge of the circuit court may issue administrative orders regarding veterans courts over which they have administrative authority.

II.(a) In this chapter, "veterans court" means a judicial intervention court based on the 10 key components listed in subparagraph (b).

(b) The 10 key veterans court components are:

(1) Integration of alcohol, drug treatment, and mental health services within the current justice system case processing.

(2) Use of a non-adversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights.

(3) Early identification of eligible participants and prompt placement in the veterans court.

(4) Access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services.

(5) Use of frequent alcohol and other drug testing to monitor abstinence.

(6) A coordinated strategy to govern veterans courts' responses to participants' compliance.

(7) Ongoing judicial interaction with each participant.

(8) Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness.

(9) Continuing interdisciplinary education to promote effective veterans court planning, implementation, and operations.

(10) Partnerships among veterans courts, the Veterans Administration, public agencies, and community-based organizations to generate local support and enhance veterans courts' effectiveness.

III. When a veteran successfully completes their veterans court-required treatment and any other case requirements, an offender's case may be disposed of by the judge in the manner prescribed by the agreement and by the applicable policies and procedures adopted by the veterans court. This may include, but is not limited to, withholding criminal charges, dismissal of charges, probation, deferred sentencing, suspended sentencing, split sentencing, or a reduced period of incarceration.

IV. A successful veterans court participant may, at least one year after completion of all programs and conditions imposed by the court, petition for annulment of the charges, arrest, conviction, and sentence that relate to such person's entry into the veterans court. Nothing in this section shall otherwise supplant or supersede the annulment procedures of RSA 651:5.

V. There is established the veterans court coordinator position under the supervision of the treatment courts coordinator within the administrative office of the courts. The coordinator shall, as appropriate, consult with the chief justice of the superior court or their designee, the administrative judge of the circuit court or their designee, an attorney representative of the state's county attorneys, an attorney representative of the New Hampshire public defender, an attorney representative of the attorney general's office, and the veteran's justice outreach coordinator or the equivalent who is or was already involved with a New Hampshire veteran's behavioral health track program, to determine how best to design, implement and administer all aspects of veterans courts, taking into account the specific treatment needs of veterans, sharable resources and reproducible designs of existing treatment courts, and the desired outcomes of a treatment court of this nature.

VI. The veterans court may convene a local committee made up of community members who can provide support for the veterans court.

VII. Where a veterans court participant charged with a felony offense must seek treatment through a circuit court drug or behavioral court in the same county, that veteran shall be allowed to participate in that drug or behavioral court even though jurisdiction shall continue to reside with the superior court. Where the veterans court judge is not the same judge overseeing a veteran's drug or mental health court treatment, the judges and treatment teams of both courts shall coordinate with one another to determine the veteran's best course of treatment and monitoring.

VIII. This section does not create a right of a veteran or service member to participate in veterans court.

490-I:2 Definitions. In this subdivision:

I. “Guidelines” means, if available, research-based, specific, practitioner-focused veterans court guidance published by the U.S. Department of Veterans Affairs, Substance Abuse and Mental Health Services Administration, National Association of Drug Court Professionals, and other relevant state and federal agencies and organizations.

II. "Coordinator" means the veterans court coordinator or designee within the administrative office of the courts.

III. "Veteran" means:

(a) A current or former member of the active or reserve components of the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, or United States Coast Guard;

(b) A current or former member of the New Hampshire National Guard;

(c) A current or former contractor for the United States Department of Defense who served in a theater of armed conflict; or

(d) A current or former military member of a foreign allied country who was attached to or under command of United States forces or coalition forces therewith in a combat operations engagement.

IV. "Veterans court" means a veterans treatment court where any veteran, as defined in paragraph III of this section, may be enrolled, should they meet the criteria for admission.

V. Military sexual trauma (MST) means sexual assault or sexual harassment experienced during military service.

490-I:3 Eligibility.

A veteran may be eligible for veterans court if he or she has experienced military sexual trauma or has a service-related mental condition, service-related traumatic brain injury, service-related substance use disorder, or service-related psychological disorder.

490-I:4 Reimbursement Program Created.

I. There is established a statewide veterans court program which shall provide state matching funds as appropriated to support veterans courts in state superior court and circuit court districts as established herein.

II. The veterans court coordinator or designee shall be responsible for developing a process by which counties may receive an annual state reimbursement on a per case basis for operational costs of a veterans court. Subject to approval of the chief justice of the supreme court or designee, the coordinator shall:

(a) Determine approval requirements for reimbursements. Prior to providing reimbursements, the approval checklists shall be posted on the judicial branch website. The checklists shall be updated on the website as revisions are made.

(b) Establish and periodically update guidelines for operating veteran courts.

(c) Develop draft policies and procedures including a participant handbook, program outline, and implementation plan.

(d) Measure recidivism rates and other outcome measures.

(e) Evaluate compliance with relevant standards.

(f) Assist in creating veteran courts in counties seeking to implement or continue them.

(g) Assist counties in obtaining ongoing training.

490-I:5 Eligibility for Reimbursements.

I. For the purpose of providing reimbursements and subject to available state appropriations, counties and districts shall be eligible for an annual reimbursement of up to $5,000 per case. Counties shall be reimbursed on a first-come, first-served basis. Reimbursements shall be prorated based on the amount of appropriation available. Any state veterans court program funds that are not expended by the end of the fiscal year shall lapse to the general fund.

II. To be eligible for reimbursement, a county operating a veterans court shall receive a recommendation for approval from the coordinator's office. Reimbursement for all cases shall be paid annually at the end of each fiscal year by the administrative office of the courts following receipt of recommendations by the coordinator and final approval of the chief justice of the supreme court or designee.

III. A county shall make a good faith effort to apply for federal funding to provide as match funds to supplement, but not supplant, state funds, as and where required as a condition of those funds. A county need only apply once.

IV. A county seeking to implement a veterans court may obtain a state reimbursement of up to $5,000 per case for the costs associated with veterans court establishment, administration, and operation after satisfying the conditions in paragraph III.

V. To obtain reimbursement from the state, a county shall:

(a) Submit a budget for the total cost of the program to the coordinator for review;

(b) Obtain draft policies and procedures from the coordinator, including a participant handbook or program outline and implementation plan, which the county may amend and return to the coordinator for consideration and approval;

(c) Obtain and complete veterans court or veteran offender program training as approved by the coordinator; and

(d) Establish that the veterans court is cost effective.

(e) Based on the information provided in subparagraphs (a)-(d), the office shall recommend court programming for final approval of the chief justice of the supreme court.

VI. The judicial branch administrative office of the courts is authorized to expend from appropriated sums the amounts necessary to fund reimbursements approved by the chief justice of the supreme court or designee.

490-I:6 Report. Beginning with a report due on or before January 1, 2026, the office shall prepare an annual report on the activities, expenditures, operation and outcome measures for the veterans court program. The report shall include the information provided by each county and shall be presented by state superior court district and on a statewide basis. The report shall be forwarded to the speaker of the house of representatives, the president of the senate, and the office of the legislative budget assistant to be posted on the website of the office of the legislative budget assistant. If the required report is not provided by January 30 in any year, the veterans court program shall be suspended until such report is provided.

490-I:7 Veterans Court Special Account. There is hereby established in the state treasury the veterans court special account. The funds may be comprised of public funds, gifts, grants, donations, or any other source of funds, and shall be used for any relevant veterans court administrative purpose deemed appropriate by the chief justice of the supreme court or designee. The account shall be nonlapsing and shall be continually appropriated to the administrative office of the courts.
from the veterans court special account, those funds shall be spent prior to state general funds.

2 Application of Receipts; Veterans Court Special Account Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (394) the following new subparagraph:

(395) Moneys deposited in the veterans court special account fund as established in RSA 490-I:7.

3 Effective Date. This act shall take effect July 1, 2025.

LBA
24-2265
Revised 3/18/24
Amended 3/11/24

HB 1589-FN- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENTS #2024-0334h and #2024-0671h)

AN ACT establishing a veterans treatment court.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source(s)	General Fund			
Appropriations	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source(s)	General Fund			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] Yes
- Does this bill authorize new positions to implement this bill? [X] Yes

METHODOLOGY:

This bill establishes a statewide Veterans Court Grant Program and a Veterans Court Coordinator within the Administrative Office of the Courts, and the Veterans Court Special Account Fund. The bill appropriates general funds necessary to implement and sustain the program through June 30, 2027 after which appropriations for the program shall be made through the Judicial Branch operating budget. Grants to counties are categorized as small, medium and large based on the number of court filings in each district: large up to $245,000, medium up to $150,000 and small up to $100,000. A county shall make a good faith effort to apply for any federal funds that may be available to supplement the state funds.

The Judicial Branch estimates the cost to the Branch to administer the program would be approximately $163,500 in FY 2025 (1/2 year), $185,500 in FY 2026 and $188,200 in FY 2027. These amounts include the Coordinator position, about 8% of the existing grant manager's time and the cost to establish and maintain a database.

It is not known how many counties will apply for grants, or how the veterans treatment courts will be implemented in each county. If all of the counties apply for grants based on the size

categories and grant amounts listed in proposed RSA 490-I:5, the maximum annual appropriation would be $1,975,000 as follows:

County Size	Number	Grant Amount	Totals
Small	3	$100,000	$300,000
Medium	3	$150,000	$450,000
Large	5	$245,000	$1,225,000
Total			$1,975,000

The Department of Corrections assumes it would need an additional probation and parole officer at each of its 11 district offices to support the veterans treatment courts statewide. The Department provided the following cost estimate for 11 additional probation and parole officers including associated benefits and operating costs: $627,000 in FY 2025 (1/2 year), $1,243,000 in FY 2026, and $1.276.000 in FY 2027. The Department indicates there are no vacant probation and parole officers and the existing officers are experiencing high caseloads. The Department's estimate for additional officers is based on its experience with drug courts. The cost to the Department will depend on the number of participants. If a rolling, or phased in, approach is implemented, with officers added based on caseloads or geography, there may be some savings, however there may be a need for an additional vehicle or vehicles.

The New Hampshire Association of Counties indicates they do not have data needed calculate any potential fiscal impact to county correctional systems.

AGENCIES CONTACTED:

Judicial Branch, Department of Corrections, and New Hampshire Association of Counties