

HB 88 -- Drug Courts and Veterans Treatment Courts

Sponsor: Burlison

Currently, a criminal defendant accepted by a drug court for disposition must be determined by the prosecuting attorney to be a nonviolent person. This bill removes that requirement.

The bill, also, allows any circuit court or combination of circuit courts to establish a veterans treatment court to provide an alternative for the judicial system to dispose of criminal cases that stem from substance abuse or mental illness of military veterans or current military personnel.

A veterans treatment court must:

- (1) Combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who are veterans or current military personnel; and

- (2) Make a referral for substance abuse or mental health treatment, or a combination of both, through the federal Department of Defense health care, the Veterans Administration, or a community-based treatment program except for good cause found by the court. Any community-based treatment program utilized must receive state or federal funds in connection with the referral and only refer the individual to a program that is certified by the Department of Mental Health or the United States Veterans Administration unless no appropriate certified treatment program is located within the same county as the veterans treatment court.

The charges, petition, or penalty against a court participant may be dismissed, reduced, or modified upon the successful completion of the program. This provision will not apply to a participant who has previously had the charges, petition, or penalty dismissed, reduced, or modified under these provisions. Any fees received by a court from a participant as payment for substance abuse or mental health treatment programs must not be considered court costs, charges, or fines.