

HOUSE BILL 1556

D1, E2

0lr3611
CF SB 684

By: **Delegates Hubbard, Holmes, and Levi**

Rules suspended

Introduced and read first time: March 15, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Veterans’ Treatment Court Pilot Program – Establishment**

3 FOR the purpose of authorizing the establishment of a Veterans’ Treatment Court
4 Pilot Program in certain counties under certain circumstances; authorizing the
5 Chief Judge of the Court of Appeals to accept a gift or grant for certain purposes
6 under certain circumstances; providing that a defendant charged with a certain
7 nonviolent crime who is a veteran and who exhibits substance abuse or mental
8 health problems is eligible for diversion to a certain veterans’ treatment court;
9 providing for certain procedures; requiring the Administrative Office of the
10 Courts to incorporate the Veterans’ Treatment Court Pilot Program under the
11 Office of Problem–Solving Courts, make certain best practice recommendations,
12 and establish performance evaluations for the courts; providing for the period
13 for which a veterans’ treatment court retains jurisdiction; authorizing the use of
14 funds from a certain special fund for providing certain substance abuse services
15 through a veterans’ treatment court; establishing the applicability of the
16 subtitle; defining certain terms; requiring the circuit administrative judges for
17 certain circuits to submit jointly a certain report on the pilot program; making
18 this Act subject to a certain contingency; providing for the termination of this
19 Act; and generally relating to the establishment of a Veterans’ Treatment Court
20 Pilot Program.

21 BY repealing and reenacting, without amendments,
22 Article – Criminal Procedure
23 Section 6–220(b)(1)
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2009 Supplement)

26 BY adding to
27 Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 6–2A–01 through 6–2A–09 to be under the new subtitle “Subtitle 2A.
2 Veterans’ Treatment Court Pilot Program”
3 Annotated Code of Maryland
4 (2008 Replacement Volume and 2009 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article – Health – General
7 Section 8–6A–01(b)(1) and (3)
8 Annotated Code of Maryland
9 (2009 Replacement Volume)

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 8–6A–01(c)
13 Annotated Code of Maryland
14 (2009 Replacement Volume)

15 Preamble

16 WHEREAS, The year 2010 marks the ninth straight year of America at war.
17 There are now more than 23 million U.S. veterans including 1.7 million from wars in
18 Iraq and Afghanistan; and

19 WHEREAS, These men and women shoulder the burden of safeguarding our
20 freedom. More than 5,300 soldiers have paid the ultimate price and another 37,000
21 soldiers will forever bear the physical wounds of war; and

22 WHEREAS, One in six veterans who returns from the wars in Iraq and
23 Afghanistan suffers from substance abuse issues; one in five veterans has symptoms of
24 a mental disorder or cognitive impairment; and research continues to draw a link
25 between substance abuse and combat–related mental illness. Unprecedented numbers
26 of veterans nationwide are appearing in the courts to face charges stemming directly
27 from these issues; and

28 WHEREAS, Maryland’s drug treatment courts evolved out of the necessity for a
29 solution–based approach to an influx of drug abusing offenders before the State courts;
30 this model and the other problem–solving courts in the State have proved to be
31 successful, cost effective, and a scientifically validated tool to deal with substance
32 abuse and mental health issues in the criminal justice system; and

33 WHEREAS, Since 2008, when the first veterans’ treatment court was designed
34 by the city court in Buffalo, New York, to keep veterans who are nonviolent offenders
35 out of jail, veterans’ treatment courts have been established in other states and
36 jurisdictions. Other states have passed similar authorizing legislation. Congress is
37 now considering the “Services, Education, and Rehabilitation for Veterans Act”, or the
38 “SERV Act”, to provide federal assistance for jurisdictions to establish veterans’
39 treatment courts; now, therefore,

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Criminal Procedure**

4 6–220.

5 (b) (1) When a defendant pleads guilty or nolo contendere or is found
6 guilty of a crime, a court may stay the entering of judgment, defer further proceedings,
7 and place the defendant on probation subject to reasonable conditions if:

8 (i) the court finds that the best interests of the defendant and
9 the public welfare would be served; and

10 (ii) the defendant gives written consent after determination of
11 guilt or acceptance of a nolo contendere plea.

12 **SUBTITLE 2A. VETERANS’ TREATMENT COURT PILOT PROGRAM.**

13 **6–2A–01.**

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) “ELIGIBLE DEFENDANT” MEANS A VETERAN WHO:

17 (1) IS CHARGED WITH A NONVIOLENT CRIME; AND

18 (2) EXHIBITS SUBSTANCE ABUSE BEHAVIOR OR MENTAL HEALTH
19 PROBLEMS.

20 (C) “NONVIOLENT CRIME” MEANS A CRIME THAT IS NOT LISTED AS A
21 CRIME OF VIOLENCE IN § 14–101 OF THE CRIMINAL LAW ARTICLE.

22 (D) “VETERAN” MEANS A PERSON WHO SERVED IN THE ACTIVE ARMED
23 FORCES OF THE UNITED STATES AND WHO WAS DISCHARGED OR RELEASED
24 FROM SERVICE UNDER CONDITIONS OTHER THAN DISHONORABLE.

25 **6–2A–02.**

26 **THIS SUBTITLE APPLIES ONLY:**

27 (1) IN FREDERICK COUNTY, PRINCE GEORGE’S COUNTY, AND
28 WICOMICO COUNTY; AND

1 **(2) TO THE EXTENT THAT FUNDS ARE:**

2 **(I) MADE AVAILABLE TO THE STATE OR LOCAL**
3 **JURISDICTION UNDER THE FEDERAL SERVICES, EDUCATION, AND**
4 **REHABILITATION FOR VETERANS ACT, OR ANY OTHER FEDERAL LAW;**

5 **(II) PROVIDED BY A LOCAL JURISDICTION; OR**

6 **(III) PROVIDED BY GIFT MONEY OR GRANT MONEY FROM**
7 **NONPROFIT SOURCES.**

8 **6-2A-03.**

9 **(A) (1) THE CIRCUIT ADMINISTRATIVE JUDGE OF THE FIRST**
10 **CIRCUIT MAY ESTABLISH A VETERANS' TREATMENT COURT IN WICOMICO**
11 **COUNTY.**

12 **(2) THE CIRCUIT ADMINISTRATIVE JUDGE OF THE SIXTH**
13 **CIRCUIT MAY ESTABLISH A VETERANS' TREATMENT COURT IN FREDERICK**
14 **COUNTY.**

15 **(3) THE CIRCUIT ADMINISTRATIVE JUDGE OF THE SEVENTH**
16 **CIRCUIT MAY ESTABLISH A VETERANS' TREATMENT COURT IN PRINCE**
17 **GEORGE'S COUNTY.**

18 **(B) AFTER CONSULTATION WITH THE ADMINISTRATIVE JUDGES OF THE**
19 **FIRST, SIXTH, AND SEVENTH CIRCUITS, THE CHIEF JUDGE OF THE COURT OF**
20 **APPEALS MAY ACCEPT A GIFT OR GRANT TO IMPLEMENT A PILOT PROGRAM IN**
21 **THOSE CIRCUITS.**

22 **6-2A-04.**

23 **(A) AN ELIGIBLE DEFENDANT MAY FILE A PETITION TO HAVE THE**
24 **CRIMINAL CASE IN WHICH THE DEFENDANT IS CHARGED DIVERTED FROM THE**
25 **REGULAR CRIMINAL DOCKET TO THE VETERANS' TREATMENT COURT DOCKET.**

26 **(B) THE STATE'S ATTORNEY MAY RECOMMEND TO THE COURT THAT AN**
27 **ELIGIBLE DEFENDANT'S CASE BE DIVERTED FROM THE REGULAR CRIMINAL**
28 **DOCKET TO THE VETERANS' TREATMENT COURT DOCKET.**

29 **(C) THE COURT, BY ITS OWN MOTION, MAY DIVERT AN ELIGIBLE**
30 **DEFENDANT'S CASE FROM THE REGULAR CRIMINAL DOCKET TO THE VETERANS'**
31 **TREATMENT COURT DOCKET.**

1 **6-2A-05.**

2 AN ELIGIBLE DEFENDANT UNDER THIS SUBTITLE IS SUBJECT TO:

3 (1) ANY CONDITIONS OF PROBATION AUTHORIZED BY LAW,
4 INCLUDING UNDER § 6-220 OF THIS TITLE; AND

5 (2) ANY ADDITIONAL CONDITION OF PROBATION THAT WOULD
6 PROMOTE THE RECOVERY OF THE ELIGIBLE DEFENDANT FROM THE
7 DEFENDANT'S MENTAL HEALTH AND SUBSTANCE ABUSE PROBLEMS, AID IN THE
8 POSITIVE TRANSITION OF THE ELIGIBLE DEFENDANT TO CIVILIAN LIFE, AND
9 SERVE THE PUBLIC WELFARE.

10 **6-2A-06.**

11 THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL:

12 (1) INCORPORATE THE VETERANS' TREATMENT COURT PILOT
13 PROGRAM ESTABLISHED BY THIS SUBTITLE UNDER THE OFFICE OF
14 PROBLEM-SOLVING COURTS;

15 (2) RECOMMEND BEST PRACTICES AND STANDARDS REGARDING
16 THE OPERATION AND MANAGEMENT OF A VETERANS' TREATMENT COURT; AND

17 (3) ESTABLISH A PROGRAM OF CONTINUING PERFORMANCE
18 EVALUATION FOR A VETERANS' TREATMENT COURT.

19 **6-2A-07.**

20 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE MARYLAND
21 RULES GOVERN THE FORMAT OF AN ACTION AND THE PROCEDURES TO BE
22 FOLLOWED BY A COURT AND THE PARTIES UNDER THIS SUBTITLE.

23 **6-2A-08.**

24 A COURT SHALL RETAIN JURISDICTION UNDER THIS SUBTITLE UNTIL
25 EVERY CONDITION OF THE COURT'S ORDER IS SATISFIED.

26 **6-2A-09.**

27 A PARTY MAY APPEAL A FINAL JUDGMENT ENTERED BY A VETERANS'
28 TREATMENT COURT AS PROVIDED IN TITLE 12 OF THE COURTS ARTICLE AND IN
29 THE MARYLAND RULES.

1 **Article – Health – General**

2 8–6A–01.

3 (b) (1) There is a Maryland Substance Abuse Fund.

4 (3) The Fund consists of the fee required under § 6–229 of the
5 Criminal Procedure Article, moneys appropriated in the State budget to the Fund, all
6 earnings from investment of moneys in the Fund, and other moneys accepted for the
7 benefit of the Fund from a governmental or private source.8 (c) The Fund shall be used by the Administration for the following purposes
9 in order of priority:10 (1) Planning expenses and related costs incurred by local drug and
11 alcohol councils established under Subtitle 10 of this title;12 (2) Planning expenses and related costs incurred by any State unit
13 designated to coordinate planning by local drug and alcohol councils and review grant
14 requests from local governments; and15 (3) Substance abuse evaluation and treatment services, including
16 services provided through a drug treatment court **AND, UNDER TITLE 6, SUBTITLE**
17 **2A OF THE CRIMINAL PROCEDURE ARTICLE, A VETERANS’ TREATMENT COURT.**18 SECTION 2. AND BE IT FURTHER ENACTED, That on or before May 31,
19 2013, the Circuit Administrative Judge for the First Circuit, the Circuit
20 Administrative Judge for the Sixth Circuit, and the Circuit Administrative Judge for
21 the Seventh Circuit jointly shall submit a report to the General Assembly, in
22 accordance with § 2–1246 of the State Government Article, that evaluates the
23 Veterans’ Treatment Court Pilot Program established under this Act.24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is contingent on
25 funding being obtained through federal grants, local jurisdiction appropriations, and
26 gifts or nonprofit organization grants for the Administrative Office of the Courts to
27 establish the Veterans’ Treatment Court Pilot Program in the circuit courts in
28 Wicomico County, Frederick County, and Prince George’s County. If funding is not
29 obtained through federal grants, local jurisdiction appropriations, or gifts or
30 nonprofit organization grants, this Act shall be null and void without the necessity of
31 further action by the General Assembly.32 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
33 of Section 3 of this Act, this Act shall take effect July 1, 2010. It shall remain effective
34 for a period of 3 years and, at the end of June 30, 2013, with no further action required
35 by the General Assembly, this Act shall be abrogated and of no further force and
36 effect.

