

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs and Space

BILL: SB 1226

INTRODUCER: Senators Taddeo and Cruz

SUBJECT: Military Veterans and Servicemembers Court Programs

DATE: March 22, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Pre-meeting
2.			JU	
3.			AP	

I. Summary:

SB 1226 requires the chief judge of each judicial circuit to establish a Military Veterans and Servicemember Court Program (veterans court). Current law permits, but does not require, a chief judge to establish the program in his or her judicial circuit.

Additionally, in establishing policies and procedures for the program, the chief judge must consider nationally recognized best practices.

II. Present Situation:

National Use of Veterans' Courts

Studies show that a high percentage of participants in veterans' courts experienced trauma while serving in the military. A 2014 report on veterans' courts found that 46 percent of participants were diagnosed with substance abuse and mental health problems.¹ Throughout the country, courts and legislatures began to adopt veterans' courts as a type of problem-solving court, such as a drug court or mental health court, providing a non-adversarial approach and offering treatment alternatives in sentencing.

Veterans' courts are designed to assist defendants with the complex needs of substance abuse, mental health, and other issues associated with the traumatic experience of war.² Similar to other types of specialty courts, a participant must appear before the court over a lengthy period of time,

¹ Office of Program Policy Analysis and Government Accountability, Research Memorandum, *State-funded Veterans' Courts in Florida*, pg. 1 (Jan. 30, 2015) (on file with the Senate Committee on Military and Veterans Affairs and Space).

² Office of Program Policy Analysis & Government Accountability, *State Courts System Circuit Courts*, available at <http://www.oppaga.state.fl.us/profiles/1015/front.htm/> (last visited March 27, 2019).

on average for about 12 to 18 months. After a veteran successfully completes all the requirements of the court, he or she is considered to graduate.³

Components of veterans courts include:

- The integration of alcohol, drug treatment, and mental health services into justice system case processing;
- A non-adversarial approach;
- The early identification of eligible participants;
- A continuum of services;
- Alcohol and drug testing;
- A coordinated strategy for responses to participants' compliance;
- Ongoing judicial interaction;
- Monitoring and evaluation for program effectiveness;
- Interdisciplinary education; and
- Partnerships with stakeholders.⁴

As of 2017, more than 200 veterans' courts operate in the United States⁵, and 41 states offer veterans' courts programs.⁶

Veterans' Courts in Florida

The 2012 Legislature established in Florida a military and veterans servicemembers court program through passage of the "T. Patt Maney Veterans' Treatment Intervention Act," also known as veterans court.⁷ The Act authorizes the chief judge of a judicial circuit to establish the specialty court program, under which certain veterans⁸ or servicemembers⁹ charged with, or convicted of a crime may be eligible. To qualify for the program, a veteran must have received from the military either an honorable or a general discharge from service.¹⁰ A unique feature of the program is that the court may include appropriate treatment as part of a pre-trial intervention

³ *Id.*

⁴ Justice For Vets, *The Key Components of Veterans Treatment Courts*, available at <https://justiceforvets.org/resources/resource-library/general-veterans-treatment-court/> (last visited March 27, 2019). Justice For Vets, a division of the National Association of Drug Court Professionals, has helped establish more than 200 veterans courts and trained over 3,000 court staff. *Id.*

⁵ The Office of the State Courts Administrator/Office of Court Improvement, *Veterans Resource Guide for the Florida State Court System*, pg. 13, available at https://www.flcourts.org/content/download/217060/1968306/VETERANS_RESOURCE_GUIDE.pdf (last visited March 27, 2019).

⁶ National Center for State Courts, *Veterans Courts*, available at <https://www.ncsc.org/Topics/Alternative-Dockets/Problem-Solving-Courts/Veterans-Court/State-Links.aspx> (last visited March 28, 2019).

⁷ Chapter 2012-159, L.O.F.; s. 394.47891, F.S.

⁸ A veteran is defined in statute as a person who served in the active military, naval, or air service. Section 1.01(14), F.S.

⁹ A servicemember is defined in statute as any person serving as a member of the United States Armed Forces on active duty or state active duty or all members of the Florida National Guard and United States Reserve Forces. Section 250.01(19), F.S.

¹⁰ Section 1.01(14), F.S., provides that a person who at the end of service was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions qualifies as a veteran. Section 394.47891, F.S., provides a cross-reference to this definition, and additionally allows participation by a veteran who has received a general military discharge. Prior to 2016, only a veteran with an honorable discharge of service could participate in veterans court. Chapter 2016-127, L.O.F., expanded eligibility to include a veteran who received a general discharge.

or sentence after considering the severity of a defendant's military-acquired mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.¹¹

Veterans' court involves a collaborative approach amongst the judge, state attorney, defense attorney, case manager, treatment provider, probation officer, law enforcement officials, and representatives of various veterans groups.¹²

Entry into a Military Veterans and Servicemembers Court Program is based upon the recommendation of the state attorney and the victim, and the sentencing court's assessment of the defendant's:

- Criminal history,
- Military service,
- Substance abuse treatment needs,
- Mental health treatment needs, and
- Amenability to the services of the program.¹³

As of February 2019, 31 veterans' courts operate in Florida.¹⁴ A study based on 2017 data shows that the state's veterans' courts admitted 1,051 defendants and graduated 593.¹⁵

III. Effect of Proposed Changes:

SB 1226 requires the chief judge of each judicial circuit to establish a Military Veterans and Servicemember Court Program (veterans' court or program). Current law permits, but does not require, a chief judge to establish a program in his or her judicial circuit.

Additionally, in establishing policies and procedures for the program, the chief judge must consider nationally recognized best practices.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

¹¹ Section 394.47891, F.S.

¹² Florida Courts, *Veterans Courts, Background*, available at <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts/Veterans-Courts> (last visited March 27, 2019).

¹³ Section 394.47891, F.S.

¹⁴ Florida Courts, *supra* note 11 (last visited March 27, 2019).

¹⁵ *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A participant in veterans' court and his or her family may financially benefit from having the veteran or servicemember successfully complete treatment for trauma-related issues, and avoid incarceration, if possible.

C. Government Sector Impact:

Whether, and the extent to which the courts will incur a fiscal impact due to the statewide mandatory expansion of veterans' court is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 394.47891, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
