

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0045.01 Michael Dohr

HOUSE BILL 10-1104

HOUSE SPONSORSHIP

Looper,

SENATE SPONSORSHIP

Williams, Penry

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR THE ESTABLISHMENT OF A**
102 **VETERANS TREATMENT COURT PROGRAM IN JUDICIAL**
103 **DISTRICTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill authorizes each judicial district to establish a program for the treatment of certain defendants who are veterans or members of the military (veterans court). The bill describes the general components required for each veterans court. A court may place a veteran or member

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

of the military in a supervision program, without entering a judgment of conviction, with terms and conditions that include successful completion of the veterans court. A court may not assign a defendant to a veterans court if the defendant committed an offense for which the suspension of sentence or the granting of probation is prohibited by existing law.

A court may seal documents relating to a case involving a defendant who was assigned to the veterans court after the defendant is successfully discharged from the supervision program unless the district attorney objects. A county or municipal court may transfer original jurisdiction of certain cases involving misdemeanors to the district court for the purpose of assigning defendants to the veterans court.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Historically, the state of Colorado has honored the noble
5 sacrifices that members of the military have made to protect our freedoms
6 by providing veterans and members of the military certain benefits and
7 rehabilitative services;

8 (b) Studies have shown that combat service may exact a
9 tremendous psychological toll on members of the military who are faced
10 with the constant threat of death or injury over an extended period of
11 time;

12 (c) Researchers have shown that thirty to forty percent of the one
13 million six hundred thousand members of the military who have served
14 in Iraq and Afghanistan will suffer, as a result of their military service,
15 **grave mental health injuries;**

16 (d) Such combat-related injuries, including the use of drugs and
17 alcohol to cope with such injuries, can lead to encounters with the
18 criminal justice system that would not have otherwise occurred without
19 the combat-related injury;

1 (e) While the vast majority of returning members of the military
2 do not have contact with the criminal justice system, and most veterans
3 and members of the military are well-adjusted, contributing members of
4 society, psychiatrists and law enforcement officials agree that
5 combat-related injuries have led to instances of criminality; and

6 (f) As a grateful state, we must continue to honor the military
7 service of our men and women by attempting to provide them with an
8 alternative to incarceration when feasible, permitting them instead to
9 access proper treatment for mental health and substance abuse problems
10 resulting from military service.

11 [REDACTED]

12 (2) Therefore, the general assembly finds that it is in the best
13 interests of Colorado citizens to assist veterans and members of the
14 military involved in the criminal justice system who have a
15 military-related injury. In order to achieve this end, the general assembly
16 encourages the establishment of veterans' treatment courts to address the
17 unique challenges veterans face as a result of their honorable service.

18 **SECTION 2.** 13-3-101, Colorado Revised Statutes, is amended
19 BY THE ADDITION OF A NEW SUBSECTION to read:

20 **13-3-101. State court administrator.** (9) THE STATE COURT
21 ADMINISTRATOR IS AUTHORIZED TO SEEK FEDERAL FUNDING AS IT
22 BECOMES AVAILABLE ON BEHALF OF THE STATE COURT SYSTEM FOR THE
23 ESTABLISHMENT, MAINTENANCE, OR EXPANSION OF VETERANS'
24 TREATMENT COURTS.

25 **SECTION 3.** Part 1 of article 5 of title 13, Colorado Revised
26 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
27 read:

1 **13-5-144. Chief judge - veterans treatment court authority.**

2 THE CHIEF JUDGE OF A JUDICIAL DISTRICT MAY ESTABLISH AN
3 APPROPRIATE PROGRAM FOR THE TREATMENT OF VETERANS AND MEMBERS
4 OF THE MILITARY.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.