

HOUSE BILL 854

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AN ACT to amend Tennessee Code Annotated, Title 16;
Title 39, Chapter 17 and Title 55, Chapter 10, Part
4, relative to veterans treatment court programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the “Criminal Justice Veterans Compensation Act of 2015” or the “CJVC Act.”

SECTION 2. Tennessee Code Annotated, Title 16, is amended by adding Sections 3 through 6 as a new chapter 6.

SECTION 3. The general assembly finds that:

- (1) Establishing specialized veterans treatment courts that adhere to uniform guidelines will meet the specialized problems faced by veteran defendants; and
- (2) It is necessary to create and fund a program to facilitate the implementation of new and the continuation of existing veterans treatment court programs.

SECTION 4. As used in this chapter:

- (1) “Nonadversarial approach” means that the district attorney general and the defense attorney work together for the benefit of the veterans treatment court program participants and the program; and
- (2) “Veterans treatment court program” means any veterans treatment court program created within this state that follows the key components referenced in Section 6, and that is established by the judge of a court in this state exercising criminal jurisdiction.

SECTION 5. A veterans treatment court program shall have the same powers as the court that created it. Any disagreements shall be resolved prior to court and not in front of the participants.

SECTION 6. All veterans treatment court programs in this state shall be established and operated according to the following ten (10) key components as adopted by the National Clearinghouse for Veterans Treatment Courts at the National Association of Drug Court Professionals:

- (1) Veterans treatment courts integrate alcohol, drug treatment, and mental health services with justice system case processing;
- (2) Veterans treatment courts promote public safety while protecting participants' due process rights by prosecution and defense counsel using a nonadversarial approach;
- (3) Veterans treatment courts identify eligible participants early and promptly place them in the veterans treatment court program;
- (4) Veterans treatment courts provide access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services;
- (5) Veterans treatment courts monitor abstinence by frequent alcohol and other drug testing;
- (6) Veterans treatment courts establish a coordinated strategy to govern responses to participants' compliance;
- (7) Veterans treatment courts maintain ongoing judicial interaction with each veteran as an essential component of the program;
- (8) Veterans treatment courts utilize monitoring and evaluation to measure the achievement of program goals and gauge effectiveness;
- (9) Veterans treatment courts employ continuing interdisciplinary education and training to promote effective veterans treatment court planning, implementation, and operations; and

(10) Veterans treatment courts forge partnerships among the court, the veterans administration, public agencies, and community-based organizations to generate local support and enhance veterans treatment court effectiveness.

SECTION 7. Tennessee Code Annotated, Section 55-10-412, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b)

(1) The proceeds from the dedicated portion of the fines for driving under the influence of an intoxicant and the conviction of any other controlled substance arrest provided for in Chapter 948 of the Public Acts of 1994 shall be collected by the respective court clerks and then deposited in a dedicated county fund. This fund shall not revert to the county general fund at the end of the fiscal year, but shall remain for the purposes for which the fund has been established in this subsection (b). The money shall be used by the county for the creation and maintenance of veterans treatment court programs or drug court treatment programs, or both.

(2) In the event no veterans treatment court program and no drug court treatment program operates in a county, the proceeds from that county shall be remitted annually in full to the state to be placed in the veterans treatment court program resources fund or drug court treatment program resources fund, as appropriate, to be administered by the department of mental health and substance abuse services in accordance with § 16-22-110.

(3) The comptroller's regular audit of a local government shall also include the dedicated county fund established by this subsection (b).

(4) For purposes of this subsection (b), the dedicated portion of the fine shall for all purposes be considered to be the first one hundred dollars (\$100)

collected after the initial collection of two hundred fifty dollars (\$250) for the first offense, the first one hundred dollars (\$100) collected after the initial collection of five hundred dollars (\$500) for the second offense, and the first one hundred dollars (\$100) collected after the initial collection of one thousand dollars (\$1,000) for the third or subsequent offense.

(5) As used in this subsection (b), “veterans treatment court program” has the same meaning as defined in title 16, chapter 6.

SECTION 8. Tennessee Code Annotated, Section 16-22-109, is amended by deleting subsections (d) and (e) and substituting instead the following:

(d)

(1) This assessment shall be subject to § 8-21-401 and shall be in addition to all other taxes, costs, and fines.

(2) The first five dollars (\$5.00) of each such assessment shall be paid to the clerks of the court imposing the assessment, who shall transfer it to the state treasurer, who shall credit it to the general fund and earmark it for use by the department of mental health and substance abuse services for funding the veterans treatment court program, the drug court treatment program administration, and such grant awards as are made by the department. The remainder of the assessments shall be deposited by the clerk of the collecting court into a dedicated county fund. This fund shall not revert to the county general fund at the end of the fiscal year, but shall remain for the purposes for which the fund has been established in this subsection (d). The money shall be used by the county for the creation and maintenance of veterans treatment court programs or drug court treatment programs, or both.

(3) In the event no veterans treatment court program and no drug court treatment program operates in a county, the money from that county shall be remitted annually in full to the state to be placed in the veterans treatment court program resources fund or the drug court treatment program resources fund, as appropriate, to be administered by the department of mental health and substance abuse services in accordance with § 16-22-110.

(4) The comptroller's regular audit of a local government shall also include the dedicated county fund established by this subsection (d).

(5) As used in this section, "veterans treatment court program" has the same meaning as defined in chapter 6 of this title.

SECTION 9. Tennessee Code Annotated, Section 16-22-110, is amended by deleting the section in its entirety and substituting instead the following:

(a) The assessment collected and remitted to the state shall be placed in the appropriate dedicated fund established by this section, based on the purpose for which the assessment was collected.

(b)

(1) The assessment collected and remitted to the state that is dedicated for the purposes of funding drug court treatment program administration and the grant awards as provided in §§ 16-22-105 and 16-22-106, shall be placed in the separate account in the general fund, referred to as the "drug court treatment program resources fund."

(2) The assessment collected and remitted to the state that is dedicated for the purposes of funding veterans treatment court program administration shall be placed in a separate account in the general fund, referred to as the "veterans treatment court program resources fund."

(c) The department of mental health and substance abuse services shall administer the money in the dedicated funds established by this section.

(d) Any unspent money shall not be transferred or placed to the credit of the general fund of the state at the end of each fiscal year, but shall remain deposited to the credit of the appropriate dedicated fund for future allocation.

(e) As used in this section, “veterans treatment court program” has the same meaning as defined in chapter 6 of this title.

SECTION 10. Tennessee Code Annotated, Section 16-22-105, is amended by deleting the language “department of finance and administration, office of criminal justice programs,” and by substituting instead the language “department of mental health and substance abuse services”.

SECTION 11. Tennessee Code Annotated, Section 16-22-106, is amended by deleting the language “office of criminal justice programs” and substituting instead the language “department of mental health and substance abuse services”.

SECTION 12. Tennessee Code Annotated, Section 16-22-107, is amended by deleting the language “Office of criminal justice program” and substituting instead the language “Department of mental health and substance abuse services”.

SECTION 13. Tennessee Code Annotated, Section 16-22-108, is amended by deleting the language “office of criminal justice programs” and substituting instead the language “department of mental health and substance abuse services”.

SECTION 14. This act shall take effect July 1, 2015, the public welfare requiring it.