

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1698

H.P. 1250

House of Representatives, December 23, 2011

An Act To Establish Veterans Treatment Courts

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Clerk

Presented by Representative MALONEY of Augusta.
Cosponsored by Senator GOODALL of Sagadahoc and
Representatives: BEAVERS of South Berwick, CLARKE of Bath, COTTA of China,
GRAHAM of North Yarmouth, LONGSTAFF of Waterville, MOULTON of York, SARTY of
Denmark, WEAVER of York.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** studies have shown that combat service may exact a tremendous
4 psychological toll on members of the United States Armed Forces who are faced with the
5 constant threat of death or injury over an extended period of time; and

6 **Whereas,** researchers have shown that a significant number of members of the
7 United States Armed Forces who have served in Iraq and Afghanistan will suffer, as a
8 result of their military service, mental health injuries, such as post-traumatic stress
9 disorder, depression, anxiety and acute stress, and injuries that affect brain function, such
10 as traumatic brain injury; and

11 **Whereas,** such combat-related injuries, and the use of drugs and alcohol to cope
12 with such injuries, can lead to encounters with the criminal justice system that would not
13 have occurred without the combat-related injuries; and

14 **Whereas,** while the vast majority of returning members of the United States Armed
15 Forces do not have contact with the criminal justice system, and most veterans and
16 members of the United States Armed Forces are well-adjusted, contributing members of
17 society, psychiatrists and law enforcement officials agree that combat-related injuries
18 have led to instances of criminality; and

19 **Whereas,** as a grateful State, we must continue to honor the military service of our
20 men and women by providing them with an alternative to incarceration when feasible,
21 permitting them instead to obtain proper treatment for mental health and substance abuse
22 problems that have resulted from military service; and

23 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
24 period because veterans are returning from Afghanistan and Iraq every day and need help
25 as soon as possible to readjust to society; and

26 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
27 the meaning of the Constitution of Maine and require the following legislation as
28 immediately necessary for the preservation of the public peace, health and safety; now,
29 therefore,

30 **Be it enacted by the People of the State of Maine as follows:**

31 **Sec. 1. 4 MRSA c. 8-B** is enacted to read:

32 **CHAPTER 8-B**

33 **VETERANS TREATMENT COURTS**

34 **§433. Veterans treatment courts**

35 **1. Definition.** As used in this section, unless the context otherwise indicates,
36 "veterans treatment court" means a court established to adjudicate select criminal cases in

1 which the defendant is a veteran or member of the United States Armed Forces and to
2 provide treatment for that defendant.

3 **2. Chief Justice may establish.** The Chief Justice of the Supreme Judicial Court
4 may establish veterans treatment courts for veterans and members of the United States
5 Armed Forces.

6 **3. Federal funding.** The State Court Administrator may seek federal funding as it
7 becomes available on behalf of the Judicial Department for the establishment,
8 maintenance and expansion of veterans treatment courts.

9 **Emergency clause.** In view of the emergency cited in the preamble, this
10 legislation takes effect when approved.

11 SUMMARY

12 This bill authorizes the Chief Justice of the Supreme Judicial Court to establish
13 veterans treatment courts. It also authorizes the State Court Administrator to seek federal
14 funding for these courts.

15 This bill is presented in memory of former Army Ranger Justin Crowley-Smilek of
16 Farmington, who served his country in Afghanistan.