

Senate Study Bill 3085 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON HORN)

A BILL FOR

1 An Act establishing a veterans treatment court in each judicial
2 district.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.6306, subsection 2, Code 2016, is
2 amended to read as follows:

3 2. District associate judges also have jurisdiction
4 in civil actions for money judgment where the amount in
5 controversy does not exceed ten thousand dollars; jurisdiction
6 over involuntary commitment, treatment, or hospitalization
7 proceedings under [chapters 125](#) and [229](#); jurisdiction of
8 indictable misdemeanors, class "D" felony violations, and
9 other felony arraignments; jurisdiction to enter a temporary
10 or emergency order of protection under [chapter 235F](#) or [236](#),
11 and to make court appointments and set hearings in criminal
12 matters; jurisdiction to enter orders in probate which do not
13 require notice and hearing and to set hearings in actions under
14 chapter 633 or [633A](#); ~~and~~ the jurisdiction provided in section
15 602.7101 when designated as a judge of the juvenile court; and
16 the jurisdiction provided in section 602.7301 when designated
17 as a judge of the veterans treatment court. While presiding in
18 these subject matters a district associate judge shall employ
19 district judges' practice and procedure.

20 Sec. 2. NEW SECTION. **602.7301 Veterans treatment court.**

21 1. A veterans treatment court is established in each
22 judicial district to provide court services to veterans and to
23 integrate court sanctions and incentives with substance abuse
24 treatment, mental health treatment, and transitional services
25 for veterans, in a judicially supervised court setting.

26 2. The veterans treatment court shall incorporate all of
27 the following essential characteristics into its operations and
28 proceedings:

29 *a.* Integration of justice system case processing with
30 alcohol and drug treatment and with mental health services.

31 *b.* Use of a nonadversarial approach, whereby prosecution
32 and defense counsel promote public safety while protecting
33 participants' due process rights.

34 *c.* Early and prompt identification and coordinated placement
35 of eligible participants in treatment programs.

1 *d.* Coordination of access to a continuum of alcohol,
2 drug, mental health, and related treatment and rehabilitation
3 services.

4 *e.* Monitoring of abstinence by frequent alcohol and drug
5 testing.

6 *f.* A strategy that governs veterans treatment court
7 responses to participants' compliance with treatment programs.

8 *g.* Ongoing judicial interaction with all veterans who are
9 eligible participants in the veterans treatment court services.

10 *h.* Monitoring and evaluation of participants and treatment
11 programs to measure the achievement of treatment goals and
12 gauge treatment effectiveness.

13 *i.* Continuing interdisciplinary education to promote
14 effective veterans treatment court planning and operations.

15 *j.* Forming of partnerships among veterans treatment courts,
16 public agencies, and community-based organizations that
17 generate local support and enhance veterans treatment court
18 effectiveness.

19 3. The jurisdiction of the veterans treatment court may be
20 exercised by any district judge and by any district associate
21 judge who is designated by the chief judge of a judicial
22 district as a judge of the veterans treatment court.

23 4. The chief judge shall designate one or more district
24 judges and district associate judges to act as judges of the
25 veterans treatment court for a judicial district. The chief
26 judge may designate a veterans treatment court judge to preside
27 in more than one county.

28 5. The designation of a judge as a veterans treatment court
29 judge does not deprive the judge of other judicial functions.
30 Any district judge may act as a veterans treatment court judge
31 during the absence or inability to act, or upon the request, of
32 the designated veterans treatment court judge.

33 6. The supreme court shall, in consultation with the United
34 States department of veterans affairs, the Iowa department of
35 veterans affairs, the county commissions of veteran affairs,

1 the department of human services, the state public defender,
2 and the Iowa county attorneys association, prescribe rules to
3 establish the jurisdiction of the veterans treatment court and
4 for the administration of veterans treatment court in this
5 state.

6 7. For the purposes of this section, "veteran" means a
7 person who served in the armed forces or the reserve forces of
8 the United States or who served in the national guard of any
9 state.

10

EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill establishes a veterans treatment court in each
14 judicial district to serve veterans and to integrate court
15 sanctions and incentives with substance abuse treatment, mental
16 health treatment, and transitional services. For the purposes
17 of the operation of the veterans treatment court, "veteran"
18 means a person who served in the armed forces or the reserve
19 forces of the United States or who served in the national guard
20 of any state.

21 The veterans treatment court is required to integrate
22 justice system case processing with alcohol and drug treatment
23 and with mental health services, to use a nonadversarial
24 approach in proceedings, and to provide early and prompt
25 identification and placement of eligible participants in the
26 treatment programs. The veterans treatment court is also
27 required to establish ongoing interaction with each veteran,
28 to coordinate treatment and rehabilitation services, and to
29 monitor and evaluate treatment.

30 The veterans treatment court is required to continue
31 interdisciplinary education to promote effective veterans
32 treatment court planning and operation, and to form
33 partnerships among veterans treatment courts, public agencies,
34 and community-based organizations.

35 The bill provides that the jurisdiction of the veterans

1 treatment court may be exercised by any district judge and
2 by any district associate judge who is designated by the
3 chief judge of a judicial district as a judge of the veterans
4 treatment court and requires that the chief judge shall
5 designate one or more of the district judges and district
6 associate judges to act as judges of the veterans treatment
7 court for a judicial district. The chief judge of a district
8 may designate a veterans treatment court judge to preside in
9 more than one county.

10 The supreme court is required to prescribe rules to
11 establish the jurisdiction of the veterans treatment court
12 and for the administration of the veterans treatment court in
13 this state in consultation with the United States department
14 of veterans affairs, the Iowa department of veterans affairs,
15 the county commissions of veteran affairs, the department of
16 human services, the state public defender, and the Iowa county
17 attorneys association.