

By: Representative Osborne

To: Military Affairs;
Municipalities

HOUSE BILL NO. 1202

1 AN ACT TO AMEND SECTION 9-25-1, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A MUNICIPALITY THAT HAS A MUNICIPAL DRUG COURT TO
3 ESTABLISH A MUNICIPAL VETERANS TREATMENT COURT; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 9-25-1, Mississippi Code of 1972, is
7 amended as follows:

8 9-25-1. (1) The Legislature recognizes that our military
9 veterans have provided an invaluable service to our country. In
10 doing so, many may have suffered the effects of, including, but
11 not limited to, post-traumatic stress disorder, traumatic brain
12 injury and depression, and may also suffer drug and alcohol
13 dependency or addiction and co-occurring mental illness and
14 substance abuse problems. As a result of this, some veterans come
15 into contact with the criminal justice system and are charged with
16 felony offenses. There is a critical need for the justice system
17 to recognize these veterans, provide accountability for their
18 wrongdoing, provide for the safety of the public, and provide for
19 the treatment of our veterans. It is the intent of the



20 Legislature to create a framework for which specialized veterans
21 treatment courts may be established at the circuit court
22 level * * *, at the discretion of the circuit court judge, and at
23 the municipal court level, at the discretion of the municipal
24 court judge, in those municipalities operating a municipal drug
25 court.

26 (2) **Authorization.** (a) A circuit court judge may establish
27 a Veterans Treatment Court program. The Veterans Treatment Court
28 may, at the discretion of the circuit court judge, be a separate
29 court program or as a component of an existing intervention court
30 program. At the discretion of the circuit court judge, the
31 Veterans Treatment Court may be operated in one (1) county within
32 the circuit court district, and allow veteran participants from
33 all counties within the circuit court district to participate.

34 (b) In any municipality in which there is a municipal
35 drug court, a municipal court judge may establish a Municipal
36 Veterans Treatment Court program. The Municipal Veterans
37 Treatment Court, in the discretion of the municipal court judge,
38 may be a separate court program or a component of an existing
39 intervention court program. In the discretion of the municipal
40 court judge, the Municipal Veterans Treatment Court may accept
41 veterans for participation upon referral from any justice court or
42 municipal court within the county in which the Municipal Veterans
43 Treatment Court is located.



44 (3) **Eligibility.** (a) In order to be eligible to
45 participate in a Veterans Treatment Court program established
46 under this section, the attorney representing the state must
47 consent to the defendant's participation in the program. Further,
48 the court in which the criminal case is pending must have found
49 that the defendant is a veteran of the United States Armed Forces
50 as defined in Title 38 USCS.

51 (b) Participation in the services of an alcohol and
52 drug intervention component shall only be open to the individuals
53 over whom the court has jurisdiction, except that the court may
54 agree to provide the services for individuals referred from
55 another Veterans Treatment Court. In cases transferred from
56 another jurisdiction, the receiving judge shall act as a special
57 master and make recommendations to the sentencing judge.

58 (c) (i) As a condition of participation in a Veterans
59 Treatment Court, a participant may be required to undergo a
60 chemical test or a series of chemical tests as specified by the
61 Veterans Treatment Court program. A participant may be held
62 liable for costs associated with all chemical tests required under
63 this section. However, a judge may waive any fees for testing.

64 (ii) A laboratory that performs chemical tests
65 under this section shall report the results of the tests to the
66 Veterans Treatment Courts.

67 (d) A person does not have the right to participate in
68 a Veterans Treatment Court program under this chapter. The court



69 having jurisdiction over a person for a matter before the court
70 shall have the final determination about whether the person may
71 participate in the Veterans Treatment Court program.

72 (e) A defendant shall be excluded from participating in
73 a Veterans Treatment Court program if any one (1) of the following
74 applies:

75 (i) The crime before the court is a crime of
76 violence as set forth in paragraph (c) of this subsection.

77 (ii) The defendant does not demonstrate a
78 willingness to participate in a treatment program.

79 (iii) The defendant has been previously convicted
80 of a felony crime of violence including, but not limited to:
81 murder, rape, sexual battery, statutory rape of a child under the
82 age of sixteen (16), armed robbery, arson, aggravated kidnapping,
83 aggravated assault, stalking, or any offense involving the
84 discharge of a firearm or where serious bodily injury or death
85 resulted to any person.

86 (f) The court in which the criminal case is pending
87 shall allow an eligible defendant to choose whether to proceed
88 through the Veterans Treatment Court program or otherwise through
89 the justice system.

90 (g) Proof of matters under this section may be
91 submitted to the court in which the criminal case is pending in
92 any form the court determines to be appropriate, including
93 military service and medical records, previous determinations of a



94 disability by a veteran's organization or by the United States
95 Department of Veterans Affairs, testimony or affidavits of other
96 veterans or service members, and prior determinations of
97 eligibility for benefits by any state or county veterans office.

98 (4) **Administrative Office of Courts.** With regard to any
99 Veterans Treatment Court established under this chapter, the
100 Administrative Office of Courts may do the following:

101 (a) Ensure that the structure of the intervention
102 component complies with rules adopted under this chapter and
103 applicable federal regulations.

104 (b) Revoke the authorization of a program upon a
105 determination that the program does not comply with rules adopted
106 under this chapter and applicable federal regulations.

107 (c) Enter into agreements and contracts to effectuate
108 the purposes of this chapter with:

109 (i) Another department, authority, or agency of
110 the state;

111 (ii) Another state;

112 (iii) The federal government;

113 (iv) A state-supported or private university; or

114 (v) A public or private agency, foundation,
115 corporation, or individual.

116 (d) Directly, or by contract, approve and certify any
117 intervention component established under this chapter.



118 (e) Require, as a condition of operation, that each
119 veterans court created or funded under this chapter be certified
120 by the Administrative Office of Courts.

121 (f) Adopt rules to implement this chapter.

122 (5) **State Intervention Court Advisory Committee.** (a) The
123 State Intervention Court Advisory Committee shall be responsible
124 for developing statewide rules and policies as they relate to
125 Veterans Treatment Court programs.

126 (b) The State Intervention Court Advisory Committee may
127 also make recommendations to the Chief Justice, the Director of
128 the Administrative Office of Courts and state officials concerning
129 improvements to Veterans Treatment Court policies and procedures.

130 (c) The State Intervention Court Advisory Committee
131 shall act as an arbiter of disputes arising out of the operation
132 of Veterans Treatment Court programs established under this
133 chapter and make recommendations to improve the Veterans Treatment
134 Court programs.

135 (6) **Funding for Veterans Treatment Courts.** (a) All monies
136 received from any source by the Veterans Treatment Court program
137 shall be accumulated in a fund to be used only for Veterans
138 Treatment Court purposes. Any funds remaining in this fund at the
139 end of the fiscal year shall not lapse into the General Fund, but
140 shall be retained in the Veterans Treatment Court fund for the
141 funding of further activities by the Veterans Treatment Court
142 program.



143 (b) A Veterans Treatment Court program may apply for
144 and receive the following:

145 (i) Gifts, bequests and donations from private
146 sources.

147 (ii) Grant and contract money from governmental
148 sources.

149 (iii) Other forms of financial assistance approved
150 by the court to supplement the budget of the Veterans Treatment
151 Court program.

152 (7) **Immunity.** The coordinator and members of the
153 professional and administrative staff of the Veterans Treatment
154 Court program who perform duties in good faith under this chapter
155 are immune from civil liability for:

156 (a) Acts or omissions in providing services under this
157 chapter; and

158 (b) The reasonable exercise of discretion in
159 determining eligibility to participate in the Veterans Treatment
160 Court program.

161 * * *

162 **SECTION 2.** This act shall take effect and be in force from
163 and after July 1, 2022.

