

By: Representative Osborne

To: Military Affairs;  
Municipalities

HOUSE BILL NO. 811

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, 2023.

