

Subject Military Veteran Criminal Offender Sentencing

Authors Ecklund

Analyst Jeff Diebel

Date July 27, 2020

### Overview

This bill creates an alternative sentencing option for veterans with service-connected trauma, substance abuse, or mental health condition who commit certain crimes.

## Summary

| Section | Description |
|---------|-------------|
|---------|-------------|

- |   |  |
|---|--|
| 1 | <p><b>Military veteran offenders restorative justice sentence.</b></p> <p><b>Subd. 1. Offenses as a result of military service; presentence supervision procedures.</b> (a) Requires sentencing courts to determine if a defendant is a current or past service member and suffering from trauma or mental health issues if the defendant: (1) is charged with a severity level 7 or lower offense; and (2) claims the offense was committed due to a service connected sexual trauma, traumatic brain injury, PTSD, substance abuse or mental health condition.</p> <p>(b) Requires defendants who request a restorative justice sentence to provide clear and convincing evidence of their service-connected trauma to the court and prosecutor.</p> <p>(c) Requires a court to place an offender who meets the criteria established in paragraph (a) and who pleads guilty to the offense on probation while staying adjudication of the case. Provides guidance on veterans receiving a subsequent restorative justice sentence for a new offense.</p> <p>(d) Permits the court to proceed with adjudication if the veteran violates the terms of the veteran's probation.</p> <p>(e) Encourages the court to require the veteran to attend a treatment program.</p> <p>(f) Makes a veteran eligible for sentence credits for time spent in residential treatment.</p> |
|---|--|

**Section** **Description**

---

(g) Provides guidance to the court in selecting a treatment program for the veteran.

(h) Directs the court and treatment program to collaborate with veteran service officers and the U.S. Department of Veterans Affairs.

(i) Provides guidance on how veterans sentenced under this section should be treated in Veterans Court.

(j) Requires veterans sentenced under this section to forfeit their right to administrative review of DWI driver's license sanctions.

**Subd. 2. Restorative justice for military veterans; dismissal of charges.**

Establishes guidelines for discharging a veteran sentenced under subdivision 1 and restoring the veteran to the "community of law abiding citizens." The records of a case discharged under this subdivision are "not public" and may only be opened in a limited number of circumstances. Prohibits the dismissal of a case that requires predatory offender registration.

**Subd. 3. Optional veterans treatment court program; procedures for eligible defendants.** Authorizes veterans treatment court programs to supervise veterans placed on probation under this section. Defines "veterans treatment court program."

**Subd. 4. Authorization for creation of county and city diversion programs.**

Authorizes counties and cities to establish and operate veterans pretrial diversion programs for eligible veterans.

**Effective date.** August 1, 2020.



*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

www.house.mn/hrd | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155