

Subject Military Veteran Criminal Offender Sentencing

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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>Military veteran offenders restorative justice sentence.</p> <p>Subd. 1. Offenses as a result of military service; presentence supervision procedures. (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.</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) Grants the veteran sentence credits for time spent in residential treatment.</p> <p>(g) Provides guidance to the court in selecting a treatment program for the veteran.</p> <p>(h) Directs the court and treatment program to collaborate with veteran service officers and the U.S. Department of Veterans Affairs.</p>

Section	Description
	<p>(i) Provides guidance on how veterans sentenced under this section should be treated in Veterans Court.</p> <p>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.</p> <p>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.”</p> <p>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.</p>

Effective date. August 1, 2019.



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