

Senate Judiciary Committee

Jennifer Horgan 271-3092

HB 652-FN, establishing a veterans track within the court system and relative to annulment of a sentence imposed by a mental health court.

Hearing Date: April 11, 2017

Time Opened: 9:00 a.m.

Time Closed: 9:12 a.m.

Members of the Committee Present: Senators Carson, Lasky, French, Gannon and Hennessey

Members of the Committee Absent : None

Bill Analysis: This bill permits superior and circuit courts to establish veterans tracks for veterans and members of the military with substance abuse and mental health issues.

The bill also requires a person sentenced by a mental health court to wait one year after completing all programs and conditions imposed by the court before filing a petition for annulment. The current period is 6 months.

Sponsors :

Rep. Baldasaro

Rep. Theberge

Rep. Weyler

Rep. Phinney

Rep. Spanos

Sen. Carson

Sen. French

Sen. Avard

Sen. Watters

Who supports the bill: Representative Baldasaro; Senator Carson; Senator Avard; Senator Watters; Representative L'Heureux; Representative Panasiti; Representative Thomas; Representative Hagan; Representative Hinch; Representative Wallace; Honorable Dan McGuire; David Kenney (State Veterans Advisory Committee); Mary Ann Dempsey (NH Judicial Branch); Daisy Wojewoda (Easter Seals/JIV Taskforce); Kevin Grady (State Veterans Advisory Committee); Heather McBrown; Ethan Daisy; Melissa Thogode

Who opposes the bill: No one

Summary of testimony presented in support:

David Kenney (State Veterans Advisory Committee) (provided written testimony)

- The State Veterans Advisory Committee is wholly in favor of this bill.
- 42 other states already have some form of veterans' track or court.
- The success rate is high and recidivism is low with these tracks.
- These tracks have been going on in NH for a number of years.
- This will codify those tracks and provide a set of guidelines and best practices to set more of these tracks up in NH.

Mary Ann Dempsey (NH Judicial Branch)

- Supportive to the extent it can be created with the resources the State has.
- NH has specialty courts already, like the drug courts that have been successful.
- This would be particularly helpful in terms of mental health issues.

- Senator Carson asked how the current tracks are doing.
 - Would be happy to provide supplemental information to the Committee on that.

Representative Baldasaro

- This puts all six veteran court tracks in the same statute.
- This language was put together with the help of various stakeholders.
- This does not cost the state any money, as it comes through the VA system and federal grants.
- This is not like the drug courts that use state funds.
- There were some concerns about violent crimes, but they would not be dealt with through these tracks.
- This also addresses the annulment process.
- Senator Carson asked about the annulment provision.
 - The House committee wanted to make it compatible with the mental health courts. With PTSD and drug issues, an individual should at least go through a year process.

Daisy Wojewoda (Easter Seals)

- Easter Seals does partner with the VA to carry out veteran treatment track courts.
- However, if a veteran is not eligible for VA care then they are not eligible to have the VA social worker work with them.
- In those instances Easter Seals provides that service to those veterans.
- The number of dishonorably discharged veterans could be over proportioned for these tracks because of the types of issues that get individuals dishonorably discharged.
- Has seen these programs help people turn their lives around.
- The difference between being in a high quality program that holds individuals accountable vs languishing in jail is significant
- Someone enters the program addicted to drugs, not working, with anger issues, etc and then they finish the program a year later running their own business, mentoring other veterans, etc
- The annulment clause is not a get out of a criminal record free and clear card.
- The annulment is up to the judge and it is for people who truly made a change; it goes away if someone is arrested.

Honorable Dan McGuire

- The House Judiciary Committee did great work amending this bill.
- It is in the theme of downplaying the war on drugs and upping the treatment of people and working with them on their addiction problems.

Summary of testimony presented in opposition :

None

Future Action: Pending

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Date Hearing Report completed: April 13, 2017