

**CHAPTER 169**  
**HB 652-FN - FINAL VERSION**

15Feb2017... 0341h  
23Mar2017... 0868h

2017 SESSION

17-0618  
05/10

HOUSE BILL                    ***652-FN***

AN ACT                    establishing a veterans track within the court system and relative to annulment  
of a sentence imposed by a mental health court.

SPONSORS:                Rep. Baldasaro, Rock. 5; Rep. Theberge, Coos 3; Rep. Weyler, Rock. 13; Rep.  
Phinney, Straf. 24; Rep. Spanos, Belk. 3; Sen. Carson, Dist 14; Sen. French, Dist  
7; Sen. Avard, Dist 12; Sen. Watters, Dist 4

COMMITTEE:              State-Federal Relations and Veterans Affairs

---

AMENDED 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.

-----

Explanation:              Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

**CHAPTER 169**  
**HB 652-FN - FINAL VERSION**

15Feb2017... 0341h  
23Mar2017... 0868h

17-0618  
05/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    establishing a veterans track within the court system and relative to annulment  
of a sentence imposed by a mental health court.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            169:1 New Chapter; Veterans Track. Amend RSA by inserting after chapter 490-H the  
2 following new chapter:

3                                    CHAPTER 490-I  
4                                    VETERANS TRACK

5            490-I:1 Implementation of Veterans Tracks.

6            I. A superior or circuit court may establish a veterans track within an existing drug court  
7 or mental health court, through which the court monitors veterans and active duty members of the  
8 military with mental illnesses, substance abuse issues, or both, for compliance with individual  
9 services to change behavior which would otherwise result in criminal conduct.

10           II.(a) In this chapter, "veterans track" means a judicial intervention process based on the 10  
11 key components listed in subparagraph (b). Some jurisdictions may choose to describe veterans  
12 tracks as veterans dockets, veterans behavioral health tracks, or veterans diversionary programs.

13                    (b) The 10 key veterans track components are:

14                    (1) Integration of alcohol, drug treatment, and mental health services within the  
15 current justice system case processing.

16                    (2) Use of a non-adversarial approach in which prosecution and defense counsel  
17 promote public safety while protecting participants' due process rights.

18                    (3) Early identification of eligible participants and prompt placement in the  
19 veterans track.

20                    (4) Access to a continuum of alcohol, drug, mental health, and other related  
21 treatment and rehabilitation services.

22                    (5) Use of frequent alcohol and other drug testing to monitor abstinence.

23                    (6) A coordinated strategy to govern veterans tracks' responses to participants'  
24 compliance.

25                    (7) Ongoing judicial interaction with each participant.

26                    (8) Monitoring and evaluation to measure the achievement of program goals and  
27 gauge effectiveness.

28                    (9) Continuing interdisciplinary education to promote effective veterans track  
29 planning, implementation, and operations.

**CHAPTER 169**  
**HB 652-FN - FINAL VERSION**  
**- Page 2 -**

1                   (10) Partnerships among veterans tracks, the Veterans Administration, public  
2 agencies, and community-based organizations to generate local support and enhance veterans  
3 tracks' effectiveness.

4                   III. Upon successful completion of a program recommended by the veterans track, an  
5 offender's case may be disposed of by the judge in the manner prescribed by the agreement and by  
6 the applicable policies and procedures adopted by the drug court or mental health court. This may  
7 include, but is not limited to, withholding criminal charges, dismissal of charges, probation,  
8 deferred sentencing, suspended sentencing, split sentencing, or a reduced period of incarceration.

9                   IV. A person sentenced by a drug court or mental health court through the veterans track  
10 may, at least one year after successful completion of all programs and conditions imposed by the  
11 court, petition for annulment of the charges, arrest, conviction, and sentence that relate to such  
12 person's entry into the drug court or mental health court. Nothing in this section shall otherwise  
13 supplant or supersede the annulment procedures of RSA 651:5.

14                  V. The veterans track may convene a local committee made up of community members who  
15 can provide support for the veterans track.

16                  169:2 Mental Health Court; Annulment. Amend RSA 490-H:2, III to read as follows:

17                  III. A person sentenced by a mental health court may, at least [~~6 months~~] **one year** after  
18 successful completion of all programs and conditions imposed by the mental health court, petition  
19 for annulment of the charges, arrest, conviction, and sentence that relate to such person's entry into  
20 the mental health court.

21                  169:3 Effective Date. This act shall take effect January 1, 2018.

Approved: June 28, 2017

Effective Date: January 01, 2018

