

Rep. Hagan, Rock. 4  
Rep. Baldasaro, Rock. 5  
Rep. Rouillard, Hills. 6  
March 13, 2017  
2017-0868h  
05/10

Amendment to HB 652-FN

1 Amend the title of the bill by replacing it with the following:

2  
3 AN ACT establishing a veterans track within the court system and relative to annulment of a  
4 sentence imposed by a mental health court.  
5

6 Amend the bill by replacing all after the enacting clause with the following:

7  
8 1 New Chapter; Veterans Track. Amend RSA by inserting after chapter 490-H the following  
9 new chapter:

10 CHAPTER 490-I  
11 VETERANS TRACK

12 490-I:1 Implementation of Veterans Tracks.

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

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

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

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

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

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

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

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

30 (6) A coordinated strategy to govern veterans tracks' responses to participants'  
31 compliance.

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1                   (7) Ongoing judicial interaction with each participant.

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

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

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

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

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

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

21           2 Mental Health Court; Annulment. Amend RSA 490-H:2, III to read as follows:

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

26           3 Effective Date. This act shall take effect January 1, 2018.

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**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.