

**HOUSE . . . . . No. 03410**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Carolyn C. Dykema*

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to support for veterans.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>

# HOUSE . . . . . No. 03410

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 3410) of Sarah K. Peake and others relative to a 14-day continuance by the court when dealing with veterans of the armed forces . The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to support for veterans.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 276A of the General Laws is hereby amended by adding the following  
2 section:-

3 Section 10. The probation officers of a district, municipal or superior court, or their official  
4 designee, when gathering information in accordance with section 85 of chapter 276, shall, at or  
5 prior to arraignment of a defendant on a criminal complaint, make inquiry of the defendant as to  
6 whether he or she is a veteran or current servicemember of, or has a history of military service in,  
7 the armed forces of the United States. The probation officers or their official designee shall  
8 screen the defendant for the purpose of enabling the judge at arraignment to consider the  
9 eligibility of the defendant for diversion to a program, or treatment as part of disposition.

10 If the defendant is determined to be a veteran, or current servicemember, or has a history  
11 of military service in the armed forces of the United States and is eligible for diversion or

12 treatment, he or she may, at arraignment, be afforded a 14-day continuance by the court for the  
13 purpose of seeking an assessment by the US Department of Veterans Affairs, the Massachusetts  
14 department of veterans' services or another state or federal agency with suitable knowledge and  
15 experience of veterans affairs to provide the court with treatment options available to the  
16 defendant, including diversion programs, if appropriate; provided, however, that if the defendant  
17 has demonstrated symptomatology suggestive of a mental illness, a written report shall be  
18 prepared by a qualified psychiatrist or clinical psychologist or physician, in consultation with  
19 said Department of Veterans Affairs or the department of veterans' services or another federal or  
20 state agency and said report shall be provided to the court to assist in sentencing or diversion.  
21 The court may consider the recommendations of any diagnosing or treating mental health  
22 professionals for the defendant for pre-trial diversion or the imposition of a sentence.

23         If a defendant chooses to accept the offer of a continuance for the purpose of such an  
24 assessment, he or she shall so notify the judge at arraignment. Upon receipt of such notification,  
25 the judge shall grant a 14-day continuance. The judge, through the probation office or its official  
26 designee, shall direct the defendant to an assessment program and shall inform said program of  
27 such action and require that the program provide the probation department and court with its  
28 findings.

29 The judge may, in his or her discretion, grant a defendant who is preliminarily determined not to  
30 be eligible for pre-trial diversion, a 14-day continuance for assessment. In arriving at such a  
31 decision, the opinion of the prosecution should be taken into consideration. Such a continuance  
32 may be granted upon the judge's own initiative or upon request by the defendant.

33 SECTION 2. The administrative office of the trial court shall work with the department of  
34 veterans services to adopt a training program to educate and assist court personnel, including  
35 court staff, probation officers, their designees, court officers, prosecutors, defense counsel, and  
36 judges in recognizing veterans issues and determining the appropriate treatment for veterans  
37 within the court. All trial court employees who interact directly with defendants shall be required  
38 to complete the training; and provided, further, that the administrative office of the trial court and  
39 the department of veterans' services shall, in consultation with the US Department of Veterans  
40 Affairs, provide at least one of the training sessions offered to court personnel at no  
41 administrative cost to the commonwealth.

42 SECTION 3. The administrative office of the trial court shall, in consultation with the US  
43 Department of Veterans Affairs and department of veterans' services, conduct a study to  
44 examine the intake and review process and disposition, including treatment and diversion  
45 options, of veterans who face criminal complaints in the courts. The study shall include specific  
46 information including, but not limited to, the number of defendants who are veterans,  
47 servicemembers or have a history of military service who enter the courts of the commonwealth  
48 each year, the number who are eligible to enter treatment and diversion programs, the number  
49 screened and assessed for the purpose of being placed in a program, the number that successfully  
50 complete a program, the number that do not complete a program and the reason therefore, the  
51 number that are diverted to a program and obtain a dismissal of their court proceedings, and the  
52 number that enter and complete a program but reoffend and enter the criminal court system again  
53 within one year of successful completion. A written report of the study's findings shall set forth  
54 annual reporting requirements to be provided by the courts related to veterans in the criminal  
55 justice system. Said report shall be provided by the chief justice of administration and

56 management to the department of veterans' services, the joint committee on veterans and federal  
57 affairs and the joint committee on the judiciary by April 1, 2013. Reporting shall be provided  
58 annually by the administrative office of the trial court to said department and said committees on  
59 or before December 1, 2013 and each year thereafter.