

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 409

Representatives Butler, Perales

Cosponsors: Representatives Retherford, Bocchieri, Brenner, Goodman, Hambley, Henne, Johnson, Kent, Lanese, O'Brien, Rezabek, Riedel, Scherer, Seitz, Sheehy, Smith, R., Vitale, Young

A BILL

To enact sections 1927.01, 1927.02, 1927.03, and 1
1927.04 of the Revised Code to permit courts to 2
create veterans treatment courts and to allow 3
courts to divert certain criminal defendants to 4
participate in veterans treatment court. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1927.01, 1927.02, 1927.03, and 6
1927.04 of the Revised Code be enacted to read as follows: 7

Sec. 1927.01. As used in this chapter: 8

(A) "Active duty" has the same meaning as in section 9
5906.01 of the Revised Code. 10

(B) "Mental illness" means a substantial disorder of 11
thought, mood, perception, orientation, or memory that grossly 12
impairs judgment, behavior, capacity to recognize reality, or 13
ability to meet the ordinary demands of life. 14

(C) "Sex offense" means a violation of any section in 15
Chapter 2907. of the Revised Code. 16

(D) "Veteran" means a person who has served in the armed forces of the United States, was called to full-time active duty, and was honorably discharged or discharged under honorable conditions. As used in this division, "armed forces" has the same meaning as in section 5903.01 of the Revised Code. 17
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(E) "Veterans treatment court" means a session of any of the following courts that holds initial or final certification from the supreme court as a specialized docket program for veterans: a court of common pleas, municipal court, or county court, or a division of any of those courts. 22
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Sec. 1927.02. (A) Any court of common pleas, municipal court, or county court may establish a veterans treatment court by certification from the supreme court as a specialized docket program. 27
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(B) (1) If a court of common pleas, municipal court, or county court does not have a veterans treatment court available to eligible defendants, the court may contract with one or more courts that operate a veterans treatment court to transfer defendants to participate in such a program and to pay the costs and fees associated with each case transferred. 31
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(2) The court in which the criminal complaint, indictment, or information was filed retains jurisdiction over the case for final disposition if the defendant does not successfully complete the program requirements of the veterans treatment court. The court also retains jurisdiction in connection with any offenses for which the defendant is not eligible to participate in veterans treatment court. 37
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Sec. 1927.03. (A) A defendant charged with a criminal offense is eligible to participate in a veterans treatment court 44
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if the court in which the criminal complaint is filed finds both 46
of the following: 47

(1) The defendant is a veteran or active duty member of 48
the armed forces of the United States. 49

(2) The defendant is not charged with a felony of the 50
first, second, or third degree, and is not charged with a sex 51
offense. 52

(B) Notwithstanding division (A) of this section, the 53
court may allow a defendant charged with a felony of the first, 54
second, or third degree to participate in a veterans treatment 55
court if the judge has reviewed the facts and circumstances of 56
the case in consultation with the county probation department 57
and a veterans justice outreach coordinator from the veterans' 58
administration. 59

Sec. 1927.04. (A) If the court finds a defendant eligible 60
to participate in a veterans treatment court, the defendant 61
shall do all of the following before entering the program: 62

(1) Enter a plea of guilty to the offenses charged; 63

(2) Waive, in writing and contingent upon the defendant's 64
successful completion of the program, the defendant's right to a 65
speedy trial, the preliminary hearing, the time period within 66
which the grand jury may consider an indictment against the 67
accused, and arraignment, unless the hearing, indictment, or 68
arraignment has already occurred; 69

(3) If the court transfers the defendant to another court 70
for participation in a veterans treatment court pursuant to 71
division (B) of section 1927.02 of the Revised Code, waive in 72
writing any objection to the veteran treatment court's lack of 73
jurisdiction over the defendant's case for the period of 74

participation. 75

(B) If the defendant has complied with the requirements of 76
division (A) of this section, the court shall stay all criminal 77
proceedings and order the defendant to adhere to the terms and 78
conditions of the veterans treatment court. 79

(C) (1) If the defendant satisfactorily completes the 80
requirements of the veterans treatment court, the court shall 81
dismiss the proceedings against the defendant. Successful 82
completion of the program shall be without adjudication of guilt 83
and is not a criminal conviction for purposes of any 84
disqualification or disability imposed by law and upon 85
conviction of a crime. 86

(2) If the defendant satisfactorily completes the 87
requirements of a veterans treatment court and the defendant has 88
been diagnosed with post-traumatic stress disorder or another 89
mental illness, the court may order the sealing of records 90
related to the proceedings pursuant to sections 2953.31 to 91
2953.36 of the Revised Code. 92

(D) If the defendant violates the terms and conditions of 93
participation in the veterans treatment court, the court in 94
which the criminal complaint, indictment, or information was 95
filed shall enter a finding of guilty and impose an appropriate 96
sanction under Chapter 2929. of the Revised Code. 97