

## 2011 DRAFTING REQUEST

### Bill

Received: 09/27/2011

Received By: phurley

Wanted: As time permits

Companion to LRB: -3755

For: Jennifer Shilling (608) 266-5490

By/Representing: Tony

May Contact:

Drafter: phurley

Subject: Correctional System - misc

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Shilling@legis.wisconsin.gov

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Referrals to veterans' courts

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### Instructions:

See attached

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### Drafting History:

| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>     | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>       | <u>Jacketed</u>       | <u>Required</u> |
|--------------|-----------------------|---------------------|------------------------|----------------|------------------------|-----------------------|-----------------|
| /P1          | phurley<br>10/24/2011 | jdyer<br>11/22/2011 | jfrantze<br>11/22/2011 | _____          | lparisi<br>11/22/2011  |                       | S&L             |
| /P2          | phurley<br>12/13/2011 | jdyer<br>12/14/2011 | phenry<br>12/14/2011   | _____          | sbasford<br>12/14/2011 |                       | S&L             |
|              |                       |                     | jfrantze<br>12/15/2011 | _____          | lparisi<br>12/15/2011  |                       |                 |
| /1           | phurley<br>01/03/2012 | jdyer<br>01/04/2012 | phenry<br>01/04/2012   | _____          | sbasford<br>01/04/2012 | ggodwin<br>01/13/2012 | S&L             |

FE Sent For:

act  
intro  
1-18-12

<END>

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| /P2          | phurley<br>12/13/2011 | jdye<br>12/14/2011 | phenry<br>12/14/2011   | _____          | sbasford<br>12/14/2011 |                 | S&L             |
|              |                       |                    | jfrantze<br>12/15/2011 | _____          | lparisi<br>12/15/2011  |                 |                 |

*1/4 jld*

*1/4 ph*

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<END>

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| /P1          | phurley<br>10/24/2011 | jdyer<br>11/22/2011 | jfrantze<br>11/22/2011 | _____          | lparisi<br>11/22/2011 |                 | S&L             |

FE Sent For:

*P2 12/14 jld*  
*1 mp 12-14*  
*km 12/15*  
<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /P1          | phurley        | PI 11/21/11     | JL           | 11/22          |                  |                 |                 |

FE Sent For:

<END>

## SECTION 2: ENTRY AND REFERRAL PROCESS

The entry and referral process utilized by the La Crosse Area Veterans Court to accept offenders as veteran or service member participants is as follows:

**2.1 Determination of VA Benefits:** Prior to being considered for a disposition to the La Crosse Area Veterans Court, a veteran or service member must have met with the County Veterans Service Officer in their county of residence to have VA benefits eligibility determined, and if eligible for VA benefits have completed the screening process at the VA Medical Center.

**2.2 Referral:** Anyone may refer cases involving veterans or service members to the La Crosse Area Veterans Court Screener, to include, but not limited to, the attorneys, the veteran or service member, probation or extended supervision agents, family members, treatment providers, and the sentencing judge.

**2.3 Review of Eligibility:** The Veterans Court Screener will review the eligibility standards for the referred veteran or service member and:

**2.3.1.** Interview the veteran or service member and speak with accompanying family members and/or case managers, and obtain necessary releases from the veteran or service member.

**2.3.2.** Check the relevant information systems to determine if the veteran or service member is receiving or has in the past received services from La Crosse County, their county of residence, and/or the VA.

**2.3.3.** Determine the veteran or service member's prior criminal record.

**2.3.4.** Obtain treatment records from La Crosse County, the referred veteran or service member's county of residence, and/or the VA.

**2.3.5.** Obtain a risk assessment such as the Level of Services Inventory (LSI) or Compass, for the veteran or service member through the department of corrections, the VA, or Chemical Health and Justice Sanctions.

**2.3.6.** Advise the referring judge and attorneys:

(1) whether the veteran or service member and the nature of the current charge(s) meet the eligibility criteria for admission into the La Crosse Area Veterans Court, and

(2) make a recommendation as to whether or not the veteran or service member should be accepted into the La Crosse Area Veterans Court.

**2.3.7.** The Veterans Court Screener may postpone making a decision on acceptance pending the completion of an updated psychological evaluation or the review of additional existing medical records. An approved psychological evaluation must contain an opinion from the examiner that the veteran or service member is or is not appropriate for participation in a treatment court program such as the La Crosse Area Veterans Court.

**2.3.8.** If the veteran or service member is appropriate for the La Crosse Area Veterans Court Program, a participation plan is recommended by the Veterans Court Screener and must be agreed to by the veteran or service member.

**2.3.9.** If the veteran or service member is not deemed appropriate for the La Crosse Area Veterans Court Program, the case is referred back to the referring judge.

**2.4 Charge Disposition:** A veteran or service member accepted to participate in the La Crosse Area Veterans Court must enter into the agreed arrangements to dispose of his or her criminal charges before the referring judge, who will, after accepting the plea(s), transfer continuing authority over the veteran or service member pending completion of the La Crosse Area Veterans Court Program. The types of post plea dispositions that would be expected of veteran or service member participants include:

**2.4.1. Straight Diversion:** A veteran or service member participant with less serious current offenses and a minimal criminal history may receive a diverted prosecution disposition. If diverted, the case is continued for at least one year and is then dismissed if the veteran or service member participant has complied with the conditions of the diverted prosecution, the

*Deferred  
Pro  
9/7/14  
et al*

requirements of the La Crosse Area Veterans Court, has had no additional criminal charges, and is certified for graduation.

**2.4.2. Diversion/Probation:** A veteran or service member participant with more serious current criminal offenses and/or a greater criminal history may have a disposition that includes probation of one or more charges and a diverted prosecution of one or more charges. The matter would be continued for at least one year and then the veteran or service member participant may be certified for graduation if there have been no additional criminal charges and all requirements of probation and the diversion agreement have been met and he or she has complied with the requirements of the La Crosse Area Veterans Court.

**2.4.3. Probation:** A veteran or service member participant who has committed serious current offenses, has serious behavioral problems, and/or has significant criminal histories may receive a probation sentence. The matter will be continued for at least 18 months. If the veteran or service member participant has not committed any additional criminal charges, has complied with all conditions of probation, and has met all requirements of the La Crosse Area Veterans Court, he or she may be certified for graduation.

**2.4.4. Alternative to Revocation of Probation or Extended Supervision:** A veteran or service member participant may be admitted to the La Crosse Area Veterans Court Program as an Alternative to Revocation. The matter will be continued for a period of time deemed appropriate by the probation or extended supervision officer and the Veterans Court Team. If the veteran or service member participant has not committed any additional criminal charges, has complied with all conditions of probation or extended supervision, and has met all requirements of the La Crosse Area Veterans Court, he or she may be certified for graduation.

**2.4.5. Continuing Bond Requirement:** For a veteran or service member participant subject to only a Diversion Contract disposition, he or she will continue to be subject to a bond during the time that he or she is in the La Crosse Area Veterans Court Program. The bond may be modified from time to time to impose sanctions of conditional confinement.

**2.4.6.** All veteran or service member participants will be subject to conditional confinement, other traditional sanctions, and appropriate incentives to promote compliance with the La Crosse Area Veterans Court Program.

**2.5 Releases:** The veteran or service member will execute all appropriate releases to accomplish the goals and requirements of the La Crosse Area Veterans Court Program.

**2.6 Use of VA Benefits:** The veteran or service member accepted into the La Crosse Area Veterans Court Program should already be enrolled into the VA medical system and receiving benefits for service-related behavioral health issues.

**2.7 Use of Community Based Services:** If the veteran or service member accepted into the La Crosse Area Veterans Court Program is not eligible for VA benefits, he or she will be referred to appropriate community based services through the La Crosse County Department of Human Services or the Department of Human Services in his or her home county.

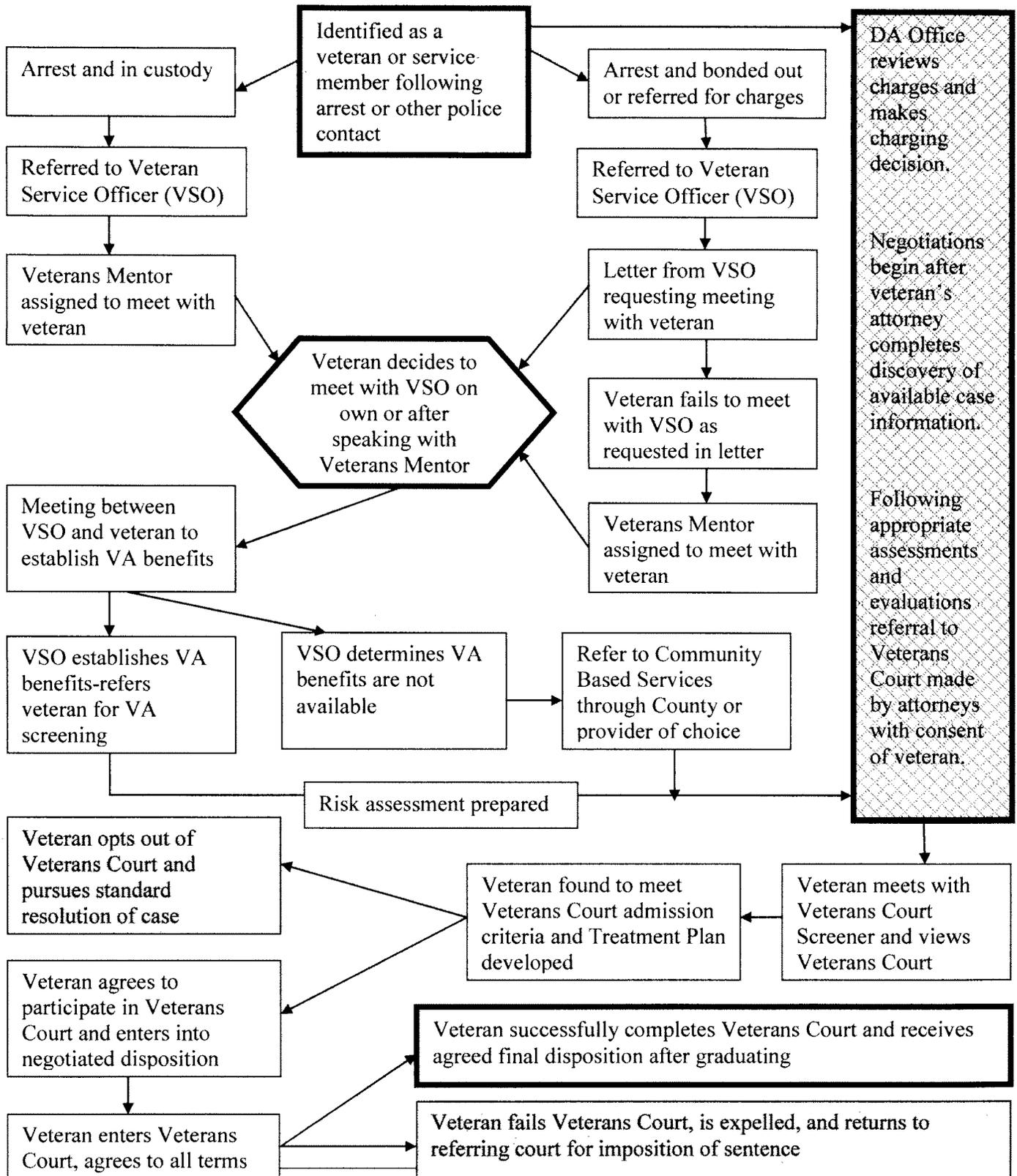
**2.8 Judicial Reviews/Veterans Court Sessions:** The veteran or service member will, as ordered by the La Crosse Area Veterans Court judge, appear for a series of judicial reviews, or Veterans Court Sessions, until it is determined that the veteran or service member has completed the requirements of the La Crosse Area Veterans Court Program established for him or her and has been certified to graduate from the program.

**2.9 Post Graduates:** A veteran or service member may continue to participate in the La Crosse Area Veterans Court Program and stay in contact with members of the La Crosse Area Veterans Court staff after graduation if it helps to maintain the veteran's stability.

## **2.10 LA CROSSE AREA VETERANS COURT PROGRAM STANDARD FLOW CHART [Figure 2.A]**

{ SEE FOLLOWING PAGE }

Figure 2.A



SECTION 1. 971.224 of the statutes is created to read:

971.224 Change of place of post plea hearings for veterans participating in a veterans court.

(1) In this section:

(a) "Referring court" means the court that has original jurisdiction in a criminal case.

(b) "Veteran" has the meaning given for "veteran or member" in s. 905.16 (1)(c).

(c) "Veterans court" means a specialty court using a treatment-based protocol for handling criminal defendants who are veterans and includes a veterans mentoring program, as defined in s. 905.16 (1)(d).

(d) "Post Plea" means the charged offenses have been resolved and a sentence or other disposition has been imposed or approved by the responsible judge of the referring court.

(2) A referring court may, on its own motion or upon a motion by the defendant

(a) at sentencing or after sentencing for cause,

(b) upon disposition of the charge or after disposition of the charge for cause, or

(c) upon resolution of the charge,

change the responsible judge for post plea matters to a veterans court judge in a county that has established a veterans court if the defendant qualifies under sub. (4) for a change of venue.

(3) The veterans court judge will have authority over the defendant while the defendant participates in a veterans court for the purpose of imposing sanctions or incentives or otherwise holding the defendant accountable in accordance with the consent of the defendant to be bound by the policies and procedures of the veterans court.

(4) A defendant qualifies for a change of venue under this section if the defendant is a veteran, the defendant is able to attend all hearings and appearances required in the new venue, the defendant meets the entry standards for the receiving veterans court and the defendant agrees to be bound by the policies and procedures of the veterans court.

(5) The veterans court to which a defendant is referred under sub. (2) may refuse to accept jurisdiction or may return the defendant to the referring court if any of the following apply:

(a) The veterans court determines that the defendant poses a risk to other veterans who participate in any program or plan ordered under the veterans court.

(b) The veterans court determines that the defendant does not have the capacity to succeed in a program or plan ordered under the veterans court.

(c) The veterans court determines that participation would not be effective for the defendant after reviewing the recommendation of a psychological examiner.

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see 97309*

*Judgment entered*

(d) The defendant objects to the change of venue.

(e) The defendant is expelled from the veterans court.

(6) The county where the referring court is located is responsible for the costs of jailing the defendant and for funding any community-based care, treatment, or services that are ordered for the defendant while the defendant participates in a veterans court.

(END)

**Hurley, Peggy**

**From:** Palese, Tony  
**Sent:** Wednesday, September 21, 2011 1:21 PM  
**To:** Hurley, Peggy  
**Subject:** Shilling Veteran Court Bill

**Attachments:** 11-1897P2 - revised-2.doc; LAVC-P&PM-July-2011.pdf

Hi Peggy,

I've attached the draft suggestions from La Crosse County Judge Bjerke's office for our veteran court bill.

What he would like to see addressed in this bill is not a change of venue ~~for sentencing~~, but rather to allow a veteran to enter a veterans court program after the disposition of the charges (post plea). According to Judge Bjerke:

*The attached version of the legislation deals with the transfer of veterans "post plea." As articulated in this version, the court of original jurisdiction would relinquish control of the defendant after the charged offenses have been resolved in the referring court and a sentence or other disposition has been approved in the referring court. If the defendant qualifies for veterans court and the veterans court accepts the defendant, the veterans court judge would then assume control over the defendant for the duration of the defendant's veterans court participation.*

*If the defendant is unable to successfully complete the veterans court program, the veteran would be returned to the referring judge at that time for appropriate action, which may include imposition of a sentence.*

I've also attached the La Crosse Veteran Court Policy and Procedures Manual. Section 2.4 in this document outlines the entry procedures for the Veteran Court and how the individual's case would be handled.

Again, it is my understanding that Judge Bjerke had envisioned a bill that might resemble the current multi-county consolidation laws that allow counties to transfer their authority to impose a sentence to another county (in this case it would be to transfer a case to a veteran court county) but retain their authority to impose their sentence pending the action in the county the individual was transferred to.

I hope I'm not making this too confusing. Feel free to give me a call if you have any questions.

Thanks!!

- Tony

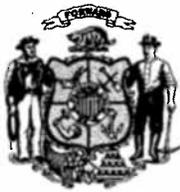
**Tony Palese**  
Legislative Aide  
Office of Sen. Jennifer Shilling

State Capitol, Room 106 South  
PO Box 7882, Madison, WI 53707  
(608) 266-5490 office  
(800) 385-3385 toll-free  
(608) 282-3572 fax

*this makes no sense to me because how can a sentence be imposed on an appropriate sentence w/o knowing if he vet or not if vet, what options are available, if vet qualifies, etc.*



11-1897P2 - LAVC-P&PM-July  
revised-2.doc (29 ..-2011.pdf (489 K...



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1897/P2  
PJH:cjs:rs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 **AN ACT to create** 971.224 of the statutes; **relating to:** change of venue in certain  
2 criminal actions against veterans and armed service members.

---

***Analysis by the Legislative Reference Bureau***

Under current law, a criminal trial is generally held in the county where the crime was committed. Current law allows a defendant to request that his or trial be held in a different county if he or she believes he or she cannot obtain a fair trial in the county of original jurisdiction. Also under current law, counties may establish specialty or treatment courts that offer treatment programs, alternatives to incarceration, and other types of assistance for people accused of certain crimes or for certain people who are identified as needing special assistance. Currently, a few Wisconsin counties have established veterans courts with special programs and procedures that seek to assist veterans and armed service members who face criminal charges.

Under this bill, if a defendant is a veteran or service member, the court of original jurisdiction may transfer the case to a county that has established a veterans court. The circuit court for the receiving county may refuse to accept jurisdiction, or may return the veteran or service member to the court of original jurisdiction, if it determines that the veteran or service member poses a danger to others participating in the veterans court or is unlikely to succeed in a court-ordered program or treatment plan. Under the bill, the county where the court of original jurisdiction is located retains the responsibility to fund any care, treatment, or services for the veteran or service member and to pay the costs of jailing the veteran or service member.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 971.224 of the statutes is created to read:

2           **971.224 Change of place of trial for veterans.** (1) In this section:

3           (a) “Referring court” means the court that has original jurisdiction in a criminal  
4 case.

5           (b) “Veteran” has the meaning given for “veteran or member” in s. 905.16 (1)

6 (c).

7           (c) “Veterans court” means a specialty court using a treatment-based protocol  
8 for handling criminal defendants who are veterans and includes a veterans  
9 mentoring program, as defined in s. 905.16 (1) (d).

10           (2) A referring court may, on its own motion or upon a motion by the defendant  
11 at arraignment or after arraignment for cause, change the place of trial to a county  
12 that has established a veterans court if the defendant qualifies under sub. (3) for a  
13 change of venue.

14           (3) A defendant qualifies for a change of venue under this section if the  
15 defendant is a veteran and the defendant is able to attend all hearings and  
16 appearances required in the new venue.

17           (4) The court to which a trial is referred under sub. (2) may refuse to accept  
18 jurisdiction or may return the trial to the referring court if any of the following apply:

19           (a) The court determines that the defendant poses a risk to other veterans who  
20 participate in any program or plan ordered under the veterans court.





DUE WEDNESDAY

JLD

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

10-24-11

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AN ACT ...; relating to: participating in a veterans' court program. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, counties may establish specialty or treatment courts that offer treatment programs, alternatives to incarceration, and other types of assistance for people accused of certain crimes or for certain people who are identified as needing special assistance. ✓ Currently, a few Wisconsin counties have established veterans courts with special programs and procedures that seek to assist veterans and armed service members who face, or are convicted of, criminal charges.

Under this bill, if person is convicted of a crime, enters a guilty or no contest plea to a crime, or enters into a deferred prosecution program and the person is a veteran or service member, the court where the person's criminal trial was held or his or her plea was entered (sentencing court) ✓ may transfer the person's case for postconviction disposition to a county that has established a veterans court. ✓ Under the bill, the veterans court may refuse to accept the person into its program, or may return the veteran or service member to the sentencing court, ✓ if it determines that the veteran or service member poses a danger to others participating in the veterans court or is unlikely to succeed in a court-ordered program or treatment plan. In that case, the sentence imposed by the sentencing court takes effect. ✓

\* If the veterans court does accept the person into its program, ✓ the veterans court may impose postconviction incentives, requirements, sanctions, and other conditions upon the person. Under the bill, the county where the sentencing court is located retains the responsibility to fund any care, treatment, or services for the veteran or service member and to pay the costs of jailing the veteran or service member. ✓

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 973.095<sup>x</sup> of the statutes is created to read:

**973.095 Referral to a veterans court.**<sup>✓</sup> (1) In this section:<sup>✓</sup>

(a) "Post plea" means after a conviction or a plea of guilty or no contest,<sup>✓</sup> or entry into a deferred prosecution agreement.

(b) "Veteran" has the meaning given for "veteran or member"<sup>✓</sup> in s. 905.16 (1)<sup>✓</sup>

(c).

(c) "Veterans court" means a specialty court using a treatment-based<sup>✓</sup> protocol for handling criminal defendants who are veterans and includes a veterans mentoring program, as defined in s. 905.16 (1) (d).<sup>✓</sup>

(2) If a person who is convicted of a crime, pleads guilty or no contest to committing a crime, or enters into a deferred prosecution program is a veteran,<sup>✓</sup> the court may transfer the veteran's case to a veterans court<sup>✓</sup> judge for post plea participation in a veterans court program.<sup>✓</sup> A court may order a transfer under this section<sup>✓</sup> on its own motion or upon a motion by the veteran.

(3) A veteran qualifies for a transfer under this section<sup>✓</sup> if he or she is able to attend all hearings and appearances required in the<sup>✓</sup> veterans court program, he or she meets the entry standards for the<sup>✓</sup> veterans court,<sup>↓</sup> and he or she agrees to be bound by the policies and procedures of the veterans court program.<sup>✓</sup>

(4) Upon accepting a veteran for transfer into a veterans court program, the<sup>\*</sup> veterans court judge may impose sanctions,<sup>✓</sup> apply incentives,<sup>↓</sup> or otherwise hold the

veteran accountable in accordance with the veteran's agreement to be bound by the policies and procedures of the veterans court program. ✓

(5) A court may order a transfer under this section ✓ at sentencing, or upon acceptance of a plea or other resolution of a criminal charge. If good cause is shown, a court may order a transfer under this section at any time. ✓

\* (6) The veterans court judge ✓ may refuse to accept the transfer or may return the veteran to the original court if any of the following (apply) ✓ applies

(a) The veterans court judge determines that the veteran poses a risk to other veterans who participate in any program or plan ordered under the ✓ veterans court.

(b) The veterans court judge determines that the veteran does not have the capacity to succeed in a program or plan ordered under the veterans court. ✓

(c) The veterans court judge ✓ determines, after he or she reviews a recommendation or report prepared by a person who conducts a psychological examination of the veteran, that participation in the veterans court program ✓ would not be effective for the veteran.

(d) The veteran objects to the transfer. ✓

(e) The veteran is expelled from the veterans court program. ✓

(7) The county that had original jurisdiction over the veteran is responsible for the costs of jailing the veteran and for funding any care, treatment, or services that are ordered for the veteran under the veterans court. ✓

(END)

## Hurley, Peggy

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**From:** Palese, Tony  
**Sent:** Tuesday, December 13, 2011 10:23 AM  
**To:** Hurley, Peggy  
**Subject:** FW: Proposed Changes to Wis. Stat. Sec. 973.095  
**Attachments:** Proposed Sec. 973.095 (revised as of 12.02.11).doc

Hi Peggy,

We received some proposed changes from our Veteran Court folks in La Crosse that we would like to incorporate into LRB 3003 (I think that's still the bill number we were using).

I think with these changes, we should be all set and would like to have a final bill draft ready to circulate. If you have any questions, please let me know.

Thanks!!!

- Tony

**Tony Palese**  
Legislative Aide  
Office of Sen. Jennifer Shilling

State Capitol, Room 106 South  
PO Box 7882, Madison, WI 53707  
(608) 266-5490 office  
(800) 385-3385 toll-free  
(608) 282-3572 fax

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**From:** Scott Butler [mailto:Scott.Butler@wicourts.gov]  
**Sent:** Tuesday, December 06, 2011 11:59 AM  
**To:** Palese, Tony  
**Cc:** Helan Zoellner; Thom Downer; Bjerke, Todd - COURTS  
**Subject:** Proposed Changes to Wis. Stat. Sec. 973.095

Tony Palese,

Attached is our proposed changes to Wis. Stat. Sec. 973.095. After several meeting there was a consensus on two substantive changes. The first was change the phrase "post plea" to read "post disposition". The reasoning behind this change is the groups wanted veteran to have access to the Veterans Court after there was some conclusion to the criminal matter; as oppose to just after a guilty plea. By changing the wording it would keep transfer to a Veterans Court open even if there was not a guilty plea (i.e. the veteran was convicted in a trial, placed on probation, violated a term of his probation and the agent wanted to use Veterans Court as an alternative to Revocation).

The second change deals with transfer to a Veteran Court. The wording was changed to make it clear that a veteran could be transfer ant any time post disposition provided that the Veterans Court Judge approved of the transfer.

12/13/2011

I am sending you a copy of the proposed changes in Word Format. Make sure you have the tracking set to Final Showing Markup so that you can see our proposed changes and what exactly the changes are. If you have any further questions please do not hesitate to contact my self at 608-785-9871, Thom Downer at 608-790-7368, Helen Zoellner at 608-784-7610 or Judge Bjerke at 608-386-3762. I look forward to working with you in the future.

Sincerely,

Scott M. Butler  
Judicial Law Clerk & Small Claims Mediator  
La Crosse County Circuit Court  
Phone: (608) 785-9871  
Fax: (608)785-5607  
Email: [Scott.Butler@wicourts.gov](mailto:Scott.Butler@wicourts.gov)

# Proposed Changes

2011 – 2012 LEGISLATURE

## PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

**AN ACT** to create 973.095 of the statutes; relating to: participating in a veterans court program.

### *Analysis by the Legislative Reference Bureau*

Under current law, counties may establish specialty or treatment courts that offer treatment programs, alternatives to incarceration, and other types of assistance for people accused of certain crimes or for certain people who are identified as needing special assistance. Currently, a few Wisconsin counties have established veterans courts with special programs and procedures that seek to assist veterans and armed service members who face, or are convicted of, criminal charges.

Under this bill, if a person is convicted of a crime, enters a guilty or no contest plea to a crime, or enters into a deferred prosecution program and the person is a veteran or service member, the court where the person's criminal trial was held or his or her plea was entered (sentencing court) may transfer the person's case for postconviction disposition to a county that has established a veterans court. Under the bill, the veterans court may refuse to accept the person into its program, or may return the veteran or service member to the sentencing court, if it determines that the veteran or service member poses a danger to others participating in the veterans court or is unlikely to succeed in a court-ordered program or treatment plan. In that case, the sentence imposed by the sentencing court takes effect.

If the veterans court accepts the person into its program, the veterans court may impose postconviction incentives, requirements, sanctions, and other conditions upon the person. Under the bill, the county where the sentencing court is located retains the responsibility to fund any care, treatment, or services for the veteran or service member and to pay the costs of jailing the veteran or service member.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 973.095 of the statutes is created to read:

973.095 Referral to a veterans court. (1) In this section:

(a) "Post disposition" means after a conviction, or a plea of guilty or no contest, or as an alternative to revocation of probation or extended supervision, or entry into a deferred prosecution agreement.

(b) "Veteran" has the meaning given for "veteran or member" in s. 905.16 (1) (c).

Deleted: plea

t/c to Tony:  
this ≠ a status  
or pt in time -  
a person facing  
revoc IS post-plea  
or post-dispo. Tony  
agrees See (2).

## Proposed Changes

(c) "Veterans court" means a specialty court using a treatment-based protocol for handling criminal defendants who are veterans and includes a veterans mentoring program, as defined in s. 905.16 (1) (d).

(2) If a person who is convicted of a crime, pleads guilty or no contest to committing a crime, or enters into a deferred prosecution program is a veteran, the court may transfer the veteran's case to a veterans court judge for post-disposition participation in a veterans court program. A court may order a transfer under this section on its own motion or upon a motion by the veteran.

Deleted: plea

(3) A veteran qualifies for a transfer under this section if he or she is able to attend all hearings and appearances required in the veterans court program, he or she meets the entry standards for the veterans court, and he or she agrees to be bound by the policies and procedures of the veterans court program.

(4) Upon accepting a veteran for transfer into a veterans court program, the veterans court judge may impose sanctions, apply incentives, or otherwise hold the veteran accountable in accordance with the veteran's agreement to be bound by the policies and procedures of the veterans court program.

(5) A court may order a transfer under this section ~~at any time post disposition of a criminal charge, provided prior arrangements have been made with the veterans court judge to assure that the veteran's acceptance or rejection into the veterans court may be determined prior to the disposition of the charge or charges in the referring court.~~ (6) The veterans court judge may refuse to accept the transfer or may return the veteran to the original court if any of the following applies:

Deleted: at sentencing, or upon acceptance of a plea or other resolution

Deleted: If good cause is shown, a court may order a transfer under this section at any time. ¶

(a) The veterans court judge determines that the veteran poses a risk to other veterans who participate in any program or plan ordered under the veterans court.

(b) The veterans court judge determines that the veteran does not have the capacity to succeed in a program or plan ordered under the veterans court.

(c) The veterans court judge determines, after he or she reviews a recommendation or report prepared by a person who conducts a psychological examination of the veteran, that participation in the veterans court program would not be effective for the veteran.

(d) The veteran objects to the transfer.

(e) The veteran is expelled from the veterans court program.

## Proposed Changes

(7) The county that had original jurisdiction over the veteran is responsible for the costs of jailing the veteran and for funding any community based care, treatment, or services that are ordered for the veteran, by the veterans court.

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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is facing revocation of his or her probation or extended supervision because he or she violated a condition of probation or extended supervision

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1 AN ACT to create 973.095 of the statutes; relating to: participating in a veterans  
2 court program.

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**Analysis by the Legislative Reference Bureau**

Under current law, counties may establish specialty or treatment courts that offer treatment programs, alternatives to incarceration, and other types of assistance for people accused of certain crimes or for certain people who are identified as needing special assistance. Currently, a few Wisconsin counties have established veterans courts with special programs and procedures that seek to assist veterans and armed service members who face, or are convicted of, criminal charges.

Under this bill, if person is convicted of a crime, enters a guilty or no contest plea to a crime, or enters into a deferred prosecution program and the person is a veteran or service member, the court where the person's criminal trial was held or his or her plea was entered (sentencing court) may transfer the person's case for postconviction disposition to a county that has established a veterans court. Under the bill, the veterans court may refuse to accept the person into its program, or may return the veteran or service member to the sentencing court, if it determines that the veteran or service member poses a danger to others participating in the veterans court or is unlikely to succeed in a court-ordered program or treatment plan. In that case, the sentence imposed by the sentencing court takes effect.

If the veterans court accepts the person into its program, the veterans court may impose postconviction incentives, requirements, sanctions, and other conditions upon the person. Under the bill, the county where the sentencing court is located retains the responsibility to fund any care, treatment, or services for the

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veteran or service member and to pay the costs of jailing the veteran or service member.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

1 SECTION 1. 973.095 of the statutes is created to read:

2 **973.095 Referral to a veterans court.** (1) In this section:

3 (a) "Post <sup>disposition</sup> plea" means after a conviction or a plea of guilty or no contest, or entry  
4 into a deferred prosecution agreement.

5 (b) "Veteran" has the meaning given for "veteran or member" in s. 905.16 (1)

6 (c).

7 (c) "Veterans court" means a specialty court using a treatment-based protocol  
8 for handling criminal defendants who are veterans and includes a veterans  
9 mentoring program, as defined in s. 905.16 (1) (d). <sup>or whose probation or extended supervision may be revoked for a violation of a rule or condition of his or her probation or extended supervision</sup>

10 (2) If a person who is convicted of a crime, pleads guilty or no contest to  
11 committing a crime, <sup>or</sup> enters into a deferred prosecution program is a veteran, the  
12 court may transfer the veteran's case to a veterans court judge for post <sup>disposition</sup> participation in a veterans court program. A court may order a transfer under this  
13 section on its own motion or upon a motion by the veteran.

15 (3) A veteran qualifies for a transfer under this section if he or she is able to  
16 attend all hearings and appearances required in the veterans court program, he or  
17 she meets the entry standards for the veterans court, and he or she agrees to be  
18 bound by the policies and procedures of the veterans court program.

19 (4) Upon accepting a veteran for transfer into a veterans court program, the  
20 veterans court judge may impose sanctions, apply incentives, or otherwise hold the

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1 veteran accountable in accordance with the veteran's agreement to be bound by the  
2 policies and procedures of the veterans court program.

3 (5) court may order a transfer under this section at sentencing, or upon  
4 acceptance of a plea or other resolution of a criminal charge. If good cause is shown,

5 a court may order a transfer under this section at any time. past disposition

6 (6) The veterans court judge may refuse to accept the transfer or may return  
7 the veteran to the original court if any of the following applies:

8 (a) The veterans court judge determines that the veteran poses a risk to other  
9 veterans who participate in any program or plan ordered under the veterans court.

10 (b) The veterans court judge determines that the veteran does not have the  
11 capacity to succeed in a program or plan ordered under the veterans court.

12 (c) The veterans court judge determines, after he or she reviews a  
13 recommendation or report prepared by a person who conducts a psychological  
14 examination of the veteran, that participation in the veterans court program would  
15 not be effective for the veteran.

16 (d) The veteran objects to the transfer.

17 (e) The veteran is expelled from the veterans court program.

18 (7) The county that had original jurisdiction over the veteran is responsible for  
19 the costs of jailing the veteran and for funding any care, treatment, or services that  
20 are ordered for the veteran under the veterans court.

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(END)

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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1-3-12

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1 AN ACT *to create* 973.095 of the statutes; **relating to:** participating in a veterans  
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***Analysis by the Legislative Reference Bureau***

Under current law, counties may establish specialty or treatment courts that offer treatment programs, alternatives to incarceration, and other types of assistance for people accused of certain crimes or for certain people who are identified as needing special assistance. Currently, a few Wisconsin counties have established veterans courts with special programs and procedures that seek to assist veterans and armed service members who face, or are convicted of, criminal charges.

Under this bill, if a person is convicted of a crime, enters a guilty or no contest plea to a crime, is facing revocation of his or her probation or extended supervision because he or she violated a condition of probation or extended supervision, or enters into a deferred prosecution program and the person is a veteran or service member, the person may qualify for a transfer to a veterans court. Under the bill, the court where the person's criminal trial was held or his or her plea was entered (sentencing court) may transfer the person's case to a county that has established a veterans court. The veterans court may refuse to accept the person into its program, or may return the veteran or service member to the sentencing court, if it determines that the veteran or service member poses a danger to others participating in the veterans court or is unlikely to succeed in a court-ordered program or treatment plan. In that case, the sentence imposed by the sentencing court takes effect.

If the veterans court accepts the person into its program, the veterans court may impose postconviction incentives, requirements, sanctions, and other

conditions upon the person. Under the bill, the county where the sentencing court is located retains the responsibility to fund any community-based care, treatment, or services for the veteran or service member and to pay the costs of jailing the veteran or service member.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 973.095 of the statutes is created to read:

2           **973.095 Referral to a veterans court.** (1) In this section:

3           (a) "Post disposition" means after a conviction or a plea of guilty or no contest,  
4 or entry into a deferred prosecution agreement.

5           (b) "Veteran" has the meaning given for "veteran or member" in s. 905.16 (1)

6           (c).

7           (c) "Veterans court" means a specialty court using a treatment-based protocol  
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9 mentoring program, as defined in s. 905.16 (1) (d).

10          (2) If a person who is convicted of a crime, pleads guilty or no contest to  
11 committing a crime, enters into a deferred prosecution program, or whose probation  
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18 attend all hearings and appearances required in the veterans court program, he or

1 she meets the entry standards for the veterans court, and he or she agrees to be  
2 bound by the policies and procedures of the veterans court program.

3 (4) Upon accepting a veteran for transfer into a veterans court program, the  
4 veterans court judge may impose sanctions, apply incentives, or otherwise hold the  
5 veteran accountable in accordance with the veteran's agreement to be bound by the  
6 policies and procedures of the veterans court program.

7 (5) Subject to sub. (6), a court may order a transfer under this section at any  
8 time post disposition.

9 (6) The veterans court judge may refuse to accept the transfer or may return  
10 the veteran to the original court if any of the following applies:

11 (a) The veterans court judge determines that the veteran poses a risk to other  
12 veterans who participate in any program or plan ordered under the veterans court.

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14 capacity to succeed in a program or plan ordered under the veterans court.

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22 the costs of jailing the veteran and for funding any community-based care,  
23 treatment, or services that are ordered for the veteran by the veterans court.

24 (END)

**Barman, Mike**

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**From:** Palese, Tony  
**Sent:** Friday, January 13, 2012 2:55 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3003/1 Topic: Referrals to veterans' courts

Please Jacket LRB 11-3003/1 for the SENATE.