



## 2011 SENATE BILL 384

January 18, 2012 - Introduced by Senators SHILLING, TAYLOR, HANSEN, HOLPERIN and JAUCH, cosponsored by Representatives BILLINGS, DOYLE, RINGHAND, BERCEAU, MILROY, PASCH, POPE-ROBERTS, SPANBAUER, THIESFELDT, TURNER and VRUWINK. Referred to Committee on Economic Development and Veterans and Military Affairs.

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 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

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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.

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

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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  
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)** 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  
12 or extended supervision may be revoked for a violation of a rule or condition of his  
13 or her probation or extended supervision is a veteran, the court may transfer the  
14 veteran’s case to a veterans court judge for post disposition participation in a  
15 veterans court program. A court may order a transfer under this section on its own  
16 motion or upon a motion by the veteran.

17           **(3)** A veteran qualifies for a transfer under this section if he or she is able to  
18 attend all hearings and appearances required in the veterans court program, he or

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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.

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

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

19 (d) The veteran objects to the transfer.

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

21 (7) The county that had original jurisdiction over the veteran is responsible for  
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.

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(END)