

2015 -- S 0945

LC002004

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE-- COURTS -- DISTRICT COURT

Introduced By: Senators McCaffrey, and Lombardi

Date Introduced: May 26, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-8-1 of the General Laws in Chapter 8-8 entitled "District Court"
2 is hereby amended to read as follows:

3 **8-8-1. District Court established -- Chief and associate justices.** -- There is established
4 a district court for the state of Rhode Island which shall consist of a chief judge and ~~twelve (12)~~
5 thirteen (13) associate judges. The district court shall be a court of record and shall have a seal
6 with such words and devices as it shall adopt.

7 SECTION 2. Chapter 8-8 of the General Laws entitled "District Court" is hereby
8 amended by adding thereto the following section:

9 **8-8-1.1. Veterans' treatment calendar.** – (a) Findings and declarations. The general
10 assembly finds and declares as follows:

11 (1) Veterans and active military, Reserve and National Guard service members have
12 provided or are currently providing an invaluable service to our country. In doing so, many return
13 and suffer from mental health injuries, including, but not limited to, post-traumatic stress
14 disorder, depression, anxiety, acute stress and other injuries that may affect brain function and
15 may also suffer drug and alcohol dependency or co-occurring mental illness and substance abuse
16 problems.

17 (2) The call back to active duty status rate of Rhode Island's National Guard is the second
18 highest in the entire United States with over ten thousand (10,000) unit deployments.

19 (3) The number of veterans living in Rhode Island who have served in the Gulf Wars is

1 three (3) times higher than the national per capita average and is expected to grow as troops
2 continue to withdraw from Afghanistan.

3 (4) While the vast majority of returning military do not have contact with the justice
4 system and are well adjusted, contributing members of society, there exists a growing number of
5 defendants appearing in the district court who have served in the United States armed forces and
6 are involved in the criminal justice system as a result of the above referenced diagnoses.

7 (5) As a grateful state, we must continue to honor the service of these participants by
8 providing them an alternative to incarceration when feasible, permitting them instead to obtain
9 proper treatment for mental health and substance abuse problems that have resulted from military
10 service through a jail diversion program/treatment program that recognizes their special set of
11 circumstances while at the same time providing accountability for their wrong-doing and
12 providing for the safety of the public.

13 (b) Declaration of policy. It is hereby declared to be the policy of the state of Rhode
14 Island to successfully rehabilitate participants by providing the tools and skills necessary to
15 address their unique challenges and to develop the insight to reintegrate successfully into society
16 and maintain a productive and law abiding lifestyle within the community.

17 (c) Establishment. To accomplish this purpose in an effort to direct defendants who have
18 served in the United States armed forces into a court program which integrates support and
19 treatment plans with the judicial process that will result in potential jail diversion, possible
20 reduction of charges or alternatives in sentencing, there shall be established a separate calendar
21 within the jurisdiction of the district court for hearing, trial and disposition of certain offenses.

22 (d) Veterans' treatment calendar. The chief judge of the district court shall create a
23 veterans' treatment calendar in the district court and shall assign personnel to the extent warranted
24 to exclusively hear and decide all criminal actions involving offenses committed by defendants
25 accepted into the program, and the calendar shall be referred to as the "veterans' treatment court".

26 (e) Use of section. Under no circumstances shall the defendant(s) be permitted to use this
27 section as a basis for a dismissal of an action, as this section is enacted for the benefit and
28 convenience of the district court.

29 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE-- COURTS -- DISTRICT COURT

1 This act would increase the number of judges on the District Court from twelve (12) to
2 thirteen (13) and would establish the veterans' treatment calendar in the district court.

3 This act would take effect upon passage.

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