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SENATE BILL 6404

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State of Washington                      62nd Legislature                      2012 Regular Session

By Senators Hobbs, Hatfield, Rolfes, and Frockt

Read first time 01/20/12. Referred to Committee on Judiciary.

1            AN ACT Relating to authorizing the establishment and use of  
2 veterans' courts; amending RCW 2.28.190; and adding a new section to  
3 chapter 2.28 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 2.28 RCW  
6 to read as follows:

7            (1) Counties and municipalities may establish and operate veterans'  
8 courts.

9            (2)(a) Any jurisdiction that seeks a state appropriation to fund a  
10 veterans' court program must first:

11            (i) Exhaust all federal funding that is available to support the  
12 operations of its veterans' court and associated services; and

13            (ii) Match, on a dollar-for-dollar basis, state moneys allocated  
14 for veterans' court programs with local cash or in-kind resources.  
15 Moneys allocated by the state must be used to supplement, not supplant,  
16 other federal, state, and local funds for veterans' court operations  
17 and associated services.

18            (b) Any jurisdiction that establishes a veterans' court under this  
19 section shall establish minimum requirements for the participation of

1 offenders in the program. The veterans' court may adopt local  
2 requirements that are more stringent than the minimum. The minimum  
3 requirements are:

4 (i) The offender would benefit from being in a specialized  
5 therapeutic court program;

6 (ii) The offender has not previously been convicted of a serious  
7 violent offense or sex offense as defined in RCW 9.94A.030;

8 (iii) Without regard to whether proof of any of these elements is  
9 required to convict, the offender is not currently charged with or  
10 convicted of an offense:

11 (A) That is a violation of RCW 46.61.502 or 46.61.504 or an  
12 equivalent local ordinance;

13 (B) That is a felony offense;

14 (C) That is a sex offense;

15 (D) That is a serious violent offense;

16 (E) During which the defendant used a firearm; or

17 (F) During which the defendant caused substantial or great bodily  
18 harm or death to another person; and

19 (iv) A check of the offender's background confirms that the  
20 offender is a veteran or service member.

21 (3) For the purposes of this section:

22 (a) "Service member" means a person who is serving as a member in  
23 any branch of the armed forces of the United States, including the  
24 national guard and armed forces reserves.

25 (b) "Veteran" means a person who has served as a member in any  
26 branch of the armed forces of the United States, including the national  
27 guard and armed forces reserves, and has fulfilled his or her initial  
28 military service obligation.

29 (c) "Veterans' court" means a court that has special calendars or  
30 dockets designed to achieve a reduction in recidivism among nonviolent  
31 misdemeanants who are veterans through early, continuous, and intense  
32 judicially supervised treatment, drug treatment, or mental health  
33 treatment if necessary, mandatory periodic reviews, appropriate  
34 sanctions, and assistance with accessing services available through  
35 federal and state veterans' offices, government agencies, and community  
36 organizations.

37 (4) It is not a requirement that a person have combat experience

1 during his or her service to be considered a veteran or service member  
2 under this section.

3 **Sec. 2.** RCW 2.28.190 and 2011 c 293 s 11 are each amended to read  
4 as follows:

5 Any county that has established a DUI court, drug court, veterans'  
6 court, and a mental health court under this chapter may combine the  
7 functions of these courts into a single therapeutic court.

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