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FISCAL IMPACT REPORT

ORIGINAL DATE 2/2/09
 SPONSOR SFC LAST UPDATED 3/4/09 HB _____
 SHORT TITLE Establish Veterans' Court SB 365/SFCS
 ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non- Rec	Fund Affected
Total		Indeterminate See Below	Indeterminate See Below			General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Department of Veterans Services (DVS)

SUMMARY

Synopsis SFC Substitution of Bill

The Senate Finance Committee Substitute for Senate Bill 365 establishes a veterans' court task force to devise a strategic plan for the establishment of a veterans' court.

The bill requires the secretary of DVS to convene a veterans' court task force by July 1, 2009 to devise a comprehensive strategic plan for the establishment and operation of a veterans' court within the judicial branch of state government. The veterans' court task force shall report on its strategic plan to the appropriate legislative interim committee by December 1, 2009. The veterans' court task force shall work in conjunction with New Mexico veterans, the AOC, the judiciary, the New Mexico national guard, the New Mexico behavioral health collaborative, the

New Mexico public defenders department, the New Mexico district attorneys association and representatives from other boards, commissions, departments, agencies, authorities and organizations necessary to provide appropriate expertise to devise the strategic plan.

The bill requires the strategic plan to contain recommendations for providing just and constructive interventions for veterans of the United States armed services who break a law as a direct result of or under the influence of post-traumatic stress disorder (PTSD), traumatic brain injury, depression or substance abuse. The recommendations shall focus on policy solutions that balance public safety needs with veterans' needs for health care and social interventions that will identify and treat post-traumatic stress disorder, traumatic brain injury, depression and addiction.

FISCAL IMPLICATIONS

There are no fiscal implications.

SIGNIFICANT ISSUES

New Mexico currently has an estimated 25,000 cases of compensable PTSD and behavioral health diagnosed disabled veterans. Many of these veterans suffer from differing degrees of mental health issues. It is important to note that not all PTSD or behavioral health diagnosed disabled veterans will end up in the court system. Those that do end up in the court system have issues ranging from anger issues to full range schizophrenia. DVA believes these veterans may be better served by getting them into a treatment center or counseling instead of just putting them into a correctional facility.

The AODA states there is an unknown amount of veterans who are charged with crimes, but it appears to be minimal. This bill is problematic as it does not define where the Courts should be established, the criteria to enter this specialty court and the types of crimes allowed. Furthermore, it could be costly if evaluations were required to determine the type of problem and appropriate treatment. The attempts in the criminal justice system to create a type of court for every problem are costly. The Judge in criminal court can make these determinations as part of the proceedings.

AOC provided the following:

The judiciary is strongly in favor of drug court and other problem-solving court programs such as mental health courts. There are 46 such court programs around the state, following the drug court model. There are only a handful of veterans' courts around the country at this point, but it is a promising new effort to take the drug court model and apply it to a distinct repeat-offender population.

Several courts in the state indicate they have been researching treatment and services specific to the growing number of veterans running afoul of the criminal justice system due to underlying problems with PTSD and substance abuse. None of these courts have settled on the best way to approach this population. It is possible that one or more of them will be interested in starting a veterans' court, or in implementing a track within an existing drug court program that is specific to the treatment needs of the veterans in the drug court program. Further discussion with the courts and research of the size and nature of the veterans' population in their jurisdictions will be important steps towards realizing the goals of this bill.

ADMINISTRATIVE IMPLICATIONS

The affected agencies will have to handle the provisions in this bill as part of ongoing responsibilities

OTHER SUBSTANTIVE ISSUES

DVS states that these courts will not be set up simply to allow vets to claim PTSD as a defense, but to channel those veterans who are having mental health issues to get the treatment that they need.

DW/mt